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Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES AND OTHER OPERATIONS

[C.G.C. Texas Flaxseed Bull.]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—Provisions of 1959 and Subsequent Crop Texas Flaxseed Purchase Programs

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AUTHORITY: §§ 421.4526 to 421.4541 issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072; secs. 301, 401, 63 Stat. 1053, 1054, as amended; 15 U.S.C. 714c, 7 U.S.C. 1447, 1421.

§ 421.4526 General.

This bulletin (hereinafter called subpart) contains the regulations which will be applicable to the 1959 and subsequent crop Texas Flaxseed Purchase Programs which are formulated for price support purposes by Commodity Credit Corporation (referred to in this subpart as CCC) and the Commodity Stabilization Service (referred to in this subpart as CSS). This subpart will be amended or supplemented each year for which a program is authorized to set forth the purchase

rates, premiums and discounts applicable to the crop and for such other changes as necessary. CCC, through designated Agricultural Stabilization and Conservation county committees, will stand ready to make direct purchases from eligible producers of eligible flaxseed delivered to authorized dealers from the time of harvest through July 31, of the year in which the flaxseed was produced. All such purchases shall be made in accordance with this subpart.

§ 421.4527 Administration.

(a) This program will be administered by CSS under the general direction and supervision of the Executive Vice President, CCC, and, in the field will be carried out by the CSS Commodity Office, Dallas, Texas, the Texas Agricultural Stabilization and Conservation State Committee, and designated Agricultural Stabilization and Conservation county committees (referred to in this subpart as county committees). A producer desiring to sell flaxseed under this program must apply to the office of the county committee of the county in which the flaxseed was produced for written delivery instructions on the quantity of flaxseed he wishes to sell to CCC.

(b) Such application must be made sufficiently in advance of the date of the intended delivery to enable the county office to schedule deliveries in an orderly manner. Delivery instructions issued by the county office will set forth the approximate quantity of flaxseed and the time and place of delivery for the account of CCC. All flaxseed delivered under such instructions must meet the eligibility requirements specified in § 421.4530. All documents will be approved by the county office manager, or other employee of the county office designated by him to act in his behalf. Such designations shall be on file in the county office. Copies of all purchase documents shall be retained in the county office. County office managers, State and county committees, and the CSS commodity office do not have authority to modify or waive any of the provisions of this subpart or any amendments or supplements to this subpart.

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CFR SUPPLEMENTS

(As of January 1, 1959)

The following supplements are now available:

- Titles 10-13, Rev. Jan. 1, 1959 (\$5.50)
- Title 14, Parts 40-399 (\$0.55)
- Title 18 (\$0.25)
- Title 26, Part 300 to end, Title 27 (\$0.30)
- Title 32, Parts 700-799 (\$0.70)
- Part 1100 to end (\$0.35)
- Title 39 (\$0.70)
- Title 43 (\$1.00)
- Title 46, Parts 1-145 (\$1.00)
- Title 49, Parts 1-70 (\$0.25)

Previously announced: Title 3, 1958 Supp. (\$0.35); Title 8 (\$0.35); Title 9, Rev. Jan. 1, 1959 (\$4.75); Titles 22-23 (\$0.35); Title 24, Rev. Jan. 1, 1959 (\$4.25); Title 25 (\$0.35); Title 26, Parts 1-79 (\$0.20); Parts 80-169 (\$0.20); Parts 170-182 (\$0.20); Title 32A (\$0.40); Titles 35-37 (\$1.25); Title 38 (\$0.55); Titles 40-42 (\$0.35); Title 46, Parts 146-149, 1958 Supp. 2 (\$1.50); Part 150 to end (\$0.50); Title 47, Part 30 to end (\$0.30); Title 49, Parts 71-90 (\$0.70); Parts 91-164 (\$0.40)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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§ 421.4528 Period and area of operation.

This program will be available on eligible flaxseed from the time of harvest through July 31, of the year in which the flaxseed was produced in the Texas counties indicated in the supplement to this subpart. Deliveries of flaxseed under this program must be completed on or before July 31, of the year in which the flaxseed was produced.

§ 421.4529 Eligible producer.

An eligible producer shall be any individual, partnership, association, corporation, estate, trust, or other business enterprise, or legal entity, and whenever applicable, a State, political subdivision of a State, or any agency thereof which (a) has produced flaxseed in the year for which a program is authorized in any of the designated counties as landowner, landlord, tenant or sharecropper, and (b) has applied to the appropriate county office for delivery instructions. Executors, administrators, trustees, or receivers who represent an eligible producer or his estate may qualify under this program provided the purchase documents executed by them are legally valid.

§ 421.4530 Eligible flaxseed.

Eligible flaxseed shall meet the following requirements:

(a) The flaxseed must be produced by an eligible producer in the year for which a program is authorized in any of the counties named in the supplement to this subpart.

(b) (1) The beneficial interest in the flaxseed must be in the eligible producer tendering the flaxseed for purchase, and must always have been in him, or must have been in him and a former producer whom he succeeded before the flaxseed was harvested. Any producer who is in doubt as to whether his interest in the flaxseed complies with the requirements of this subpart should make available to

the county committee all pertinent information, prior to filing an application, which will permit a determination to be made by CCC as to his eligibility for price support.

(2) To meet the requirements of succession to a former producer, the rights, responsibilities and interest of the former producer with respect to the farming unit on which the flaxseed was produced shall have been substantially assumed by the person claiming succession. Mere purchase of the crop prior to harvest, without acquisition of any additional interest in the farming unit, shall not constitute succession. The county committee shall determine whether the requirements with respect to succession have been met.

(c) The flaxseed must grade No. 1 or No. 2 and must not contain mercurial compounds or other substances poisonous to man or animals. Sample grade flaxseed will not be purchased under this program.

(d) Flaxseed produced in violation of restrictive leases on Federally-owned land or produced on any newly irrigated or drained lands within any Federal irrigation or drainage project as provided in section 211 of the Agricultural Act of 1956 shall not be eligible for purchase under this program.

(e) An authorized dealer shall not accept flaxseed from a producer for the account of CCC unless the producer presents a copy of the delivery instructions issued by the county office.

§ 421.4531 Personal liability of the producer.

A producer shall be personally liable for any damage resulting from tendering to CCC flaxseed containing mercurial compounds or other substances poisonous to man or animals which is inadvertently accepted by CCC. In the event the amount disbursed under a purchase exceeds the amount authorized under this subpart, the producer shall be personally liable for repayment of the amount of such excess.

§ 421.4532 Authorized dealer.

An authorized dealer shall be any individual, partnership, association or corporation operating under a Flaxseed Dealer Agreement with CCC, which authorizes such dealer to accept delivery of eligible flaxseed under this program for the account of CCC. Dealers interested in becoming authorized dealers under this program should make application to the county office of the county in which they are located. A list of authorized dealers to whom producers may deliver flaxseed for the account of CCC under this program may be obtained from the offices indicated in § 421.4527.

§ 421.4533 Purchase documents.

(a) The purchase documents shall consist of (1) the "Non-Negotiable Flaxseed Dealer's Receipt and Grade Certificate" (or other similar document if approved by CCC) hereinafter referred to as "dealer's receipt", issued to the producer for flaxseed delivered, and if applicable, the registered freight bill or warehouseman's supplemental certi-

cate, (2) the purchase settlement form, and (3) such other forms and documents as may be prescribed by CCC.

(b) The dealer's receipt must be issued in the name of the producer for the account of CCC and must be dated on or before July 31 of the year in which the flaxseed was produced. Each dealer's receipt must show: (1) Gross weight and net bushels, (2) grade, (3) test weight, (4) moisture, (5) dockage, (6) percentage of damage, when such factor and not test weight determines the grade, and (7) whether the flaxseed arrived by rail, truck or barge. In the case of warehouse receipts issued for flaxseed delivered by rail or barge, the grading factors on the receipt must agree with the inbound inspection certificates for the car or barge.

§ 421.4534 Basis of purchase.

Eligible flaxseed will be purchased on the basis of weight, grade and quality factors. The grade shall be determined in accordance with the Official Grain Standards of the United States for flaxseed by a grain inspector licensed by the Secretary of Agriculture, except that wherever the services of such a licensed inspector are not available the CSS Commodity Office shall designate in writing a person qualified to determine the grade of flaxseed in accordance with the Official Grain Standards of the United States for flaxseed. Such designation may be revoked in writing by the CSS commodity office at any time.

§ 421.4535 Determination of quantity.

(a) The number of bushels of flaxseed delivered shall be determined by weight at time of delivery. A bushel shall be 56 pounds of flaxseed free of dockage.

(b) The percentage of dockage shall be determined in accordance with the Official Grain Standards of the United States for Flaxseed, and the weight of said dockage shall be deducted from the gross weight of the flaxseed in determining the net quantity for purchase.

§ 421.4536 Issuance of purchase prices, premiums and discounts.

Basic county and terminal market purchase prices, and premiums and discounts applicable to eligible flaxseed delivered to authorized dealers for the account of CCC from counties authorized under this program will be contained in annual supplements to this subpart.

§ 421.4537 Storage charges.

To compensate CCC for storage charges on flaxseed acquired under this program, the following deduction per bushel (gross weight basis) of flaxseed purchased shall be made from the basic purchase prices set forth in the supplement to this subpart:

	Deduction (cents per bushel (gross weight basis))
For flaxseed deposited in:	
April of the authorized program year-----	13.5
May of the authorized program year-----	12.0
June of the authorized program year-----	10.5
July of the authorized program year-----	9.0

§ 421.4538 Service charge.

A service charge of one-half cent per bushel or a minimum of \$1.50, whichever is greater, shall be charged the producer on each purchase of flaxseed made by CCC under this program. The amount of the service charge shall be deducted from the purchase price at the time of settlement.

§ 421.4539 Liens.

If there are any liens or encumbrances on the flaxseed, waivers that will fully protect the interests of CCC must be presented to the county office at the time of application for delivery instructions even though the liens or encumbrances are satisfied from the purchase proceeds.

§ 421.4540 Set-offs.

(a) If any installment or installments on any loan made available by CCC on farm-storage facilities or Mobile Drying Equipment are payable under the provisions of the note evidencing such loan, out of any amount due the producer under the program provided for in this subpart, the producer must designate CCC or the lending agency holding such note as payee of such amount to the extent of such installments, but not to exceed that portion of the amount remaining after deduction of service charges and amounts due prior lienholders.

(b) If the producer is indebted to CCC, or if the producer is indebted to any other agency of the United States, and such indebtedness is listed on the county debt record, amounts due the producer under the program provided for in this subpart, after deduction of amounts payable on farm-storage facilities or Mobile Drying Equipment and other amounts provided in paragraph (a) of this section, shall be applied, as provided in the Secretary's Set-off Regulations, 7 CFR Part 13 (23 F.R. 3757), to such indebtedness.

(c) Compliance with the provisions of this section shall not deprive the producer of any right he might otherwise have to contest the justness of the indebtedness involved in the setoff action either by administrative appeal or by legal action.

§ 421.4541 Payment.

Payment to the producer for flaxseed purchased under this program shall be made by the ASC county office by means of sight draft drawn on CCC, and on the basis of the purchase documents indicated in § 421.4533, subject to the provisions relating to setoffs and service charges.

Issued this 9th day of April 1959.

[SEAL] WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 59-3147; Filed, Apr. 14, 1959;
8:50 a.m.]

[C.C.C. Texas Flaxseed Bull., 1959 Supp.]

PART 421—GRAINS AND RELATED COMMODITIES**Subpart—Provisions of 1959 and Subsequent Crop Texas Flaxseed Purchase Programs****1959 PURCHASE PRICES, PREMIUMS AND DISCOUNTS**

This supplement contains the basic purchase prices, premiums and discounts applicable to eligible 1959-crop flaxseed delivered to authorized dealers for the account of CCC from Texas counties authorized under this program and, together with the regulations contained in the C.C.C. Texas Flaxseed Bulletin (§§ 421.4526 to 421.4541), constitutes the 1959 Texas Flaxseed Purchase Program.

§ 421.4542 Purchase prices, premiums and discounts.

(a) **1959 county purchase prices.** Basic purchase prices per bushel of eligible flaxseed of the 1959 crop produced in the authorized counties listed below which is delivered to authorized dealers under this program for the account of CCC will be at the rate established for the county where the flaxseed is delivered. The basic purchase prices for flaxseed grading No. 1 and containing from 10.6 to 11.0 percent moisture are as follows:

TEXAS			
County	Rate per bushel	County	Rate per bushel
Aransas	\$2.20	Karnes	\$2.14
Atascosa	2.12	Kimble	2.01
Bastrop	2.09	Kleberg	2.18
Bee	2.19	La Salle	2.05
Bell	2.07	Lavaca	2.09
Bexar	2.10	Lee	2.12
Blanco	2.06	Live Oak	2.16
Bowie	1.98	McCulloch	2.02
Brooks	2.11	McMullen	2.14
Brown	2.03	Mason	2.03
Burnet	2.03	Matagorda	2.12
Caldwell	2.09	Maverick	1.97
Calhoun	2.11	Medina	2.08
Cameron	2.06	Milam	2.09
Coleman	2.00	Mills	2.03
Collin	2.03	Nueces	2.21
Colorado	2.16	Real	2.02
Comal	2.09	Red River	1.98
Concho	2.00	Refugio	2.14
De Witt	2.10	Runnels	1.98
Dimmit	2.01	San Patricio	2.22
Duval	2.14	San Saba	2.03
Frio	2.06	Taylor	1.97
Galveston	2.20	Travis	2.09
Goliad	2.16	Uvalde	2.02
Gonzales	2.09	Victoria	2.14
Guadalupe	2.09	Webb	2.06
Hamilton	2.00	Wharton	2.17
Hays	2.09	Willacy	2.07
Hidalgo	2.06	Williamson	2.08
Jackson	2.10	Wilson	2.12
Jim Hogg	2.10	Zapata	2.02
Jim Wells	2.19	Zavala	1.99

(b) **1959 Terminal market purchase prices.** (1) The basic purchase price shall be \$2.41 per bushel for No. 1 flaxseed containing 10.6 to 11.0 percent moisture delivered by rail in carload lots to authorized dealers at the Corpus Christi and Houston, Texas, terminal markets.

(2) The basic purchase price for flaxseed of such grade and quality delivered by truck to authorized dealers at the above terminal markets will be pur-

chased by CCC under this program on the basis of the terminal rate minus 4½ cents per bushel.

(c) **Grade discount.** The basic purchase price for No. 2 flaxseed shall in all instances be 6 cents per bushel less than the price indicated for No. 1 flaxseed.

(d) **Premiums for low moisture content.** The following premiums for low moisture content are applicable to eligible flaxseed:

Moisture content (percent):	Premium (cents per bushel)
10.6 to 11.0 inclusive	0
10.1 to 10.5 inclusive	1
9.6 to 10.0 inclusive	2
9.1 to 9.5 inclusive	3
9.0 or less	4

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b, Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053, 1054, as amended; 15 U.S.C. 714c, 7 U.S.C. 1447, 1421)

Issued this 9th day of April 1959.

[SEAL] WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 59-3148; Filed, Apr. 14, 1959; 8:50 a.m.]

Title 16—COMMERCIAL PRACTICES**Chapter I—Federal Trade Commission [Docket 7239]****PART 13—DIGEST OF CEASE AND DESIST ORDERS****Frito Co. et al.**

Subpart—*Discriminating in price under section 2, Clayton Act, as amended—* Payment or acceptance of commission, brokerage, or other compensation under 2(c): § 13.820 *Direct buyers.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 38 Stat. 730, as amended; 15 U.S.C. 13) [Cease and desist order, Frito Company (Dallas, Tex.) et al., Docket 7239, March 10, 1959]

In the Matter of Frito Company, a Corporation, Texas Tavern Canning Company, a Corporation, and International Basic Economy Corporation, a Corporation.

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a Texas distributor of Mexican-style food products and its subsidiary with violating section 2(c) of the Clayton Act by paying the customary brokerage of 5 percent to a customer on direct purchases for its own account, and charging said recipient, buying the products mainly for its own supermarkets and other outlets in Latin America and elsewhere, with accepting such illegal payments.

After acceptance of an agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on March 10 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That Respondent Frito Company, a corporation, and Respondent-Texas Tavern Canning Company, a corporation, its officers, agents, representatives and employees, in connection with the sale of food products, in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from: Paying or granting, directly or through any corporate or other device, to Respondent International Basic Economy Corporation, a corporation, its respective successors or assigns, officers, representatives, agents or employees, or to any other buyer, anything of value as a rebate, commission, brokerage fee, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any sale of food products to such buyer for its own account.

It is further ordered, That Respondent International Basic Economy Corporation, a corporation, its officers, agents, representatives and employees, in connection with the purchase of food products in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from: Receiving or accepting, directly or indirectly, from Respondent Texas Tavern Canning Company, a corporation, or from Respondent Frito Company, a corporation, or from any other intermediary or seller, directly or through any corporate device or by any other means, anything of value as brokerage, or any rebate, allowance or discount in lieu thereof, in connection with the purchase of food products made for Respondent International Basic Economy Corporation's own account.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is further ordered, That the respondents, Frito Company, Texas Tavern Canning Company, and International Basic Economy Corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission reports, in writing, setting forth in detail the manner and form in which they have complied with the order contained in the aforesaid initial decision.

Issued: March 10, 1959.

By the Commission.

[SEAL] JOHN R. HEIM,
Acting Secretary.

[F.R. Doc. 59-3118; Filed, Apr. 14, 1959; 8:46 a.m.]

[Docket 7299]

PART 13—DIGEST OF CEASE AND DESIST ORDERS**Coleman's Fashion Shop, Inc., et al.**

Subpart—*Advertising falsely or misleadingly:* § 13.155 *Prices:* Exaggerated as regular and customary; forced or sacrifice sales. Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Label-

ing Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure.* § 13.1845 *Composition.* Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements.* Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Coleman's Fashion Shop, Inc., et al., Wellesley, Mass., Docket 7299, March 10, 1959]

In the Matter of Coleman's Fashion Shop, Inc., a Corporation, and Robert J. Coleman, Clara A. Coleman and Alfred F. Coleman, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a furrier in Wellesley, Mass., with violating the Fur Products Labeling Act by failing to set forth as required on labels and invoices such terms as "Persian Lamb", "Dyed Mouton-processed Lamb", and "Dyed Broadtail-processed Lamb"; by advertising in newspapers which represented fur products as from a liquidating business and prices as reduced from regular prices which were in fact fictitious; and by failing in other respects to comply with the labeling, invoicing, and advertising requirements, and to keep adequate records as a basis for said pricing claims.

Following acceptance of an agreement containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on March 10 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That Coleman's Fashion Shop, Inc., a corporation, and its officers, and Robert J. Coleman, Clara A. Coleman and Alfred F. Coleman, individually and as officers of said corporation, hereinafter referred to as respondents, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce of fur products, or in connection with the sale, advertising, offering for sale, transportation, or distribution of fur products which are made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Failing to affix labels to fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is the fact;

(c) That the fur product contains or is composed of bleached, dyed or other-

wise artificially colored fur, when such is the fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

(e) The name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale, in commerce, or transported or distributed it in commerce;

(f) The name or the country of origin of any imported furs contained in a fur product;

(g) The item number or mark assigned to a fur product.

2. Falsely or deceptively labeling or otherwise identifying any such product as to the name or names of the animal or animals that produced the fur from which such product was manufactured.

3. Setting forth on labels affixed to fur products:

(a) Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form;

(b) Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations thereunder, mingled with non-required information;

(c) Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting.

4. Failing to set forth required information in the sequence required under Rule 30.

5. Failing to set forth the term "Persian Lamb" in the manner required by Rule 8 of the regulations.

6. Failing to set forth the term "Dyed Mouton-processed Lamb" in the manner required by Rule 9 of the regulations.

7. Failing to set forth the term "Dyed Broadtail-processed Lamb" in the manner required by Rule 10 of the regulations.

8. Affixing to fur products labels that do not comply with the minimum size requirements of one and three-quarter inches by two and three-quarter inches.

9. Failing to set forth separately on labels attached to fur products composed of two or more sections containing different animal furs the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder with respect to the fur comprising each section.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur products as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur when such is the fact;

(c) That the fur product contains or is composed of bleached, dyed or other-

wise artificially colored fur, when such is the fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

(e) The name and address of the person issuing such invoice;

(f) The name of the country of origin of any imported furs contained in a fur product;

(g) The item number or mark assigned to a fur product.

2. Setting forth information required under section 5(b) (1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

3. Failing to set forth the term "Persian Lamb" in the manner required by Rule 8 of the regulations.

4. Failing to set forth the term "Dyed Mouton-processed Lamb" in the manner required by Rule 9 of the regulations.

5. Failing to set forth the term "Dyed Broadtail-processed Lamb" in the manner required by Rule 10 of the regulations.

C. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of fur products, and which:

1. Fails to set forth the information required under section 5(a) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in type of equal size and conspicuousness and in close proximity with each other.

2. Represents, directly or by implication, that any such products are the stock of a business in a state of liquidation, contrary to fact.

3. Represents, directly or by implication, that the regular or usual price of any fur product is any amount which is in excess of the price at which respondent has usually and customarily sold such products in the recent regular course of business.

D. Making price claims and representations respecting comparative prices, percentage savings claims, prices being reduced from regular or usual prices, and prices being "Many way below cost" unless there are maintained by respondents full and adequate records disclosing the facts upon which such claims and representations are based.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: March 10, 1959.

By the Commission.

[SEAL]

JOHN R. HELM,
Acting Secretary.

[F.R. Doc. 59-3119; Filed, Apr. 14, 1959; 8:46 a.m.]

[Docket 7302]

PART 13—DIGEST OF CEASE AND DESIST ORDERS**Staz-Set, Inc., et al.**

Subpart—Advertising falsely or misleadingly: § 13.110 Indorsements, approval, and testimonials; § 13.170 Qualities or properties of product or service; § 13.195 Safety. Subpart—Claiming or using indorsements or testimonials falsely or misleadingly: § 13.330 Claiming or using indorsements or testimonials falsely or misleadingly.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Staz-Set, Inc., et al., New York, N.Y., Docket 7302, March 10, 1959]

In the Matter of Staz-Set, Inc., a Corporation, and David L. Ratke, and Herman Liebenson, Individually and as Officers of Said Corporation, and as Parker Advertising, Inc., a Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a distributor and its advertising agency in New York City with representing falsely in advertising that their drug preparation designated "7 Day Reducer" was safe for use by all obese persons, would cause them to lose weight without dieting and at specific rates per week and per month, and was approved for reducing weight by the U.S. Public Health authorities.

After acceptance of an agreement providing for entry of a consent order, the hearing examiner made his initial decision and order to cease and desist which became on March 10 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents, Staz-Set, Inc., a corporation, and its officers and David L. Ratke, and Herman Liebenson, individually and as officers of said corporation, and Parker Advertising, Inc., and its officers and respondents'

representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of 7-Day Reducer, or any other preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same name or any other name, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or indirectly, that:

(a) The preparation is safe to use by all obese persons;

(b) Obese persons can lose weight by use of the preparation without dieting, that is while consuming the same kinds and amounts of food they ordinarily consume;

(c) Any predetermined weight reduction can be achieved by the taking or use of said preparation for a prescribed period of time;

(d) United States Public Health Authorities approve or endorse the use of respondents' preparation for the purpose of reducing weight.

2. Disseminating or causing the dissemination of any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said preparation, which advertisement contains any of the representations prohibited in paragraph 1 hereof.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: March 10, 1959.

By the Commission.

[SEAL]

JOHN R. HEIM,
Acting Secretary.[F.R. Doc. 59-3120; Filed, Apr. 14, 1959;
8:46 a.m.]**Title 43—PUBLIC LANDS:
INTERIOR****Chapter I—Bureau of Land Management, Department of the Interior****APPENDIX—PUBLIC LAND ORDERS**

[Public Land Order 1831]

[Montana 031197]

MONTANA**Partly Revoking Reclamation Withdrawal; Huntley Project**

By virtue of the authority vested in the Secretary of the Interior by section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

The departmental order of May 21, 1906, so far as it reserved the following-described lands in the first form for Reclamation purposes in connection with the Huntley Project, is hereby revoked:

MONTANA PRINCIPAL MERIDIAN

T. 2 N., R. 30 E.,
Sec. 3, SE¼ of lot 5.
Containing 10 acres.

The lands are ceded lands of the Crow Tribe of Indians, withdrawn by departmental order of September 19, 1934, from disposal of any kind, pending consideration of the matter of their permanent restoration to tribal ownership as authorized by section 3 of the act of June 18, 1934.

ROGER ERNST,

Assistant Secretary of the Interior.

APRIL 9, 1959.

[F.R. Doc. 59-3121; Filed, Apr. 14, 1959;
8:46 a.m.]**PROPOSED RULE MAKING****DEPARTMENT OF AGRICULTURE****Agricultural Marketing Service****[7 CFR Part 965]**

[Docket No. AO-166-A23]

**MILK IN CINCINNATI, OHIO,
MARKETING AREA****Decision With Respect to Proposed
Amendments to Tentative Market-
ing Agreement and to Order**

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of

marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Cincinnati, Ohio, on September 23-26, 1958, pursuant to notice thereof issued on August 27, 1958 (23 F.R. 6755) and a supplemental notice issued September 11, 1958 (23 F.R. 7144).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service on February 27, 1959 (24 F.R. 1593) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues on the record of hearing relate to:

1. Expansion of the marketing area;
 2. Allocation of packaged milk from plants regulated by another Federal order;
 3. The location adjustments to handlers and producers;
 4. The Class I price and the supply-demand adjuster;
 5. The classification of skim milk disposed of to food processors and clarification of Class I and Class II milk definitions; and
 6. The marketing service assessment.
- Findings and conclusions.* The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. The Cincinnati marketing area (Cincinnati and Hamilton county, Ohio)

should be enlarged by adding Butler, Warren and Clermont counties, Ohio.

The Cincinnati Milk Sales Association, a federation of the Cincinnati producers' bargaining associations, proposed that the marketing area be expanded to include the Ohio counties of Butler, Clermont, Clinton, Highland and Warren; Perry township in Brown county, Ohio; and the Kentucky counties of Kenton, Campbell and Boone. Certain Cincinnati handlers, who operate unregulated plants located in the proposed area, opposed the addition of the proposed additional territory to the marketing area unless further territory was added. Other handlers took no position on this matter at the hearing. One handler proposal would include the additional territory of Brown county; the townships of Lawrenceburg and Center in Dearborn county, Ohio; and all of Ohio county in Indiana. One handler also proposed that if the marketing area were expanded to Kentucky, the counties of Bracken, Fleming, Grant, Harrison, Mason, Nicholas and Pendleton in Kentucky also be included together with certain other Kentucky counties which were submitted for but not included in the notice of hearing. Other presently unregulated distributors who dispose of milk in Highland and Clinton counties, Ohio, proposed that Brown county and Adams county be included in the marketing area, if the area were to be expanded to include Highland and Clinton counties. Handlers regulated under the Dayton-Springfield order opposed the inclusion in the Cincinnati marketing area of the northern tier of townships in Butler, Warren and Clinton counties, Ohio.

The marketing area has not been changed since the present order was promulgated in 1942. Since that time there has been substantial growth in the urban area surrounding Cincinnati. The sales area of Cincinnati handlers has expanded beyond Hamilton county and now encompasses all or a substantial part of the contiguous territory in Ohio recommended for inclusion in the marketing area. A somewhat similar expansion in urban area has been experienced also across the river from Cincinnati in Campbell, Kenton and Boone counties, Kentucky.

From 1940 to 1958, the population of Butler county has increased from 120,000 to 180,000. This area includes the cities of Hamilton and Middletown, which together with Cincinnati on the south and Dayton, Ohio on the north, form an almost continuous urban area from Cincinnati to Dayton. The population of Warren and Clermont counties increased from 30,000 to 56,000 and 34,000 to 70,000, respectively, from 1940 to 1958. This population increase reflects the industrial growth of Cincinnati and the nearby cities and towns and the continuing general dispersion of the increased population, particularly from Cincinnati to the suburban areas.

With the expansion of the urban area, handlers have extended their distribution areas for fluid milk in Ohio beyond the present marketing area. They now compete with unregulated processors of

milk on wholesale and retail routes in the surrounding territory, particularly in Butler, Warren and Clermont counties.

Seven handlers distribute fluid milk throughout Clermont county from their plants located in Cincinnati. They supply approximately 70 percent of the total fluid milk sales in the county. One Cincinnati handler operates wholesale and retail routes throughout Butler county. Another handler, whose pool plant is located at Hamilton in Butler county, distributes fluid milk on wholesale and retail routes extending southward into the present marketing area, eastward into Warren county and north and westward in Butler county. Milk from seven unregulated plants is disposed of in Butler county. All but one of these plants are located in the county. Two unregulated distributors dispose of milk in Clermont county. The plant of one of these is located at Bethel in the eastern part of the county and the other is located in Georgetown, Brown county, Ohio.

Cincinnati handlers and the unregulated distributors serving Butler, Warren and Clermont counties compete with each other in the procurement of fluid milk from dairy farmers. Regulated handlers must account for all milk disposed of in fluid form at the minimum order Class I price while competing unregulated distributors obtain their milk supply at or near the order uniform (blend) price. During the 12 months immediately preceding the hearing, the uniform price averaged 48 cents per hundredweight less than the Class I price. Handlers regulated under the Cincinnati order are at a competitive disadvantage, therefore, in the cost of milk for distribution in this area. The purchase of milk on the basis of the Cincinnati blend prices provides an advantage to unregulated distributors in supplying the increasing fluid milk sales in these nearby areas. The competitive disadvantage in the cost of milk to handlers limits the expansion of wholesale or retail routes from regulated plants into the expanding suburban areas. This, in turn, limits the market Class I outlet for producer milk. The problem has become even more acute because substantial Class I sales which formerly were associated with the regulated market have been lost. Two processing and bottling plants located in Hamilton, Butler county were formerly regulated by the Cincinnati order because of substantial sales in Hamilton county. These plants, operated by companies which also operate regulated plants located in Cincinnati, have been withdrawn from regulation by discontinuing sales from these plants in Hamilton county. These Butler county plants are used to distribute unregulated fluid milk to the suburban Cincinnati area in Ohio surrounding Hamilton county. The opportunity for producers to supply milk for the expanded suburban area has been curtailed by the removal of these plants from the Cincinnati order pool. Procurement of milk from dairy farmers at these plants and other unregulated plants is maintained in close alignment with their fluid milk sales. Through the

operation of multiple plants, certain Cincinnati handlers, therefore, are able to procure a supply of milk for their fluid sales outside the marketing area on the basis of the order uniform prices rather than Class I prices. Accordingly, the operators of these plants, as well as other unregulated plants, have a competitive advantage in the cost of milk for distribution in this part of the Greater Cincinnati area. An indication that Class I sales of producer milk have not kept pace with the expanding market is that the Class I sales of producer milk under the Cincinnati order increased only 49 percent from 1947 to 1957 as compared with an increase of 84 percent under the nearby Dayton-Springfield order and an increase of 75 percent for the Columbus market. From 1952 to 1958 the corresponding percentage increases were 24 for Cincinnati, 45 for Dayton-Springfield and 39 for Columbus.

In addition to the fact that producers of milk under the Cincinnati order do not share in the returns for substantial Class I milk disposed of in these areas adjacent to the marketing area, the limited scope of the regulation makes it possible for multiple plant operators and other nearby unregulated plants to adjust their procurement programs in such a manner that producers under the order will carry the burden of overall reserve supplies and seasonal surpluses without sharing in the benefits of all the fluid sales. This may be accomplished by shifting to unregulated plants producers normally delivering to pool plants when additional supplies are needed or securing such supplies from regulated plants as needed. Between 40 and 50 producers at one plant and an unstated number at another plant hold dual permits to supply milk to Cincinnati and the city of Hamilton.

Handlers regulated under the Dayton-Springfield order distribute fluid milk into northern Butler and Warren counties in competition with milk from Cincinnati order plants and with milk from plants in Hamilton, Butler county which would become subject to regulation with extension of the marketing area. A Dayton handler (subject to the Dayton-Springfield order) distributes milk through a distribution point located in Middletown in northern Butler county. Another company, operating a Dayton plant, also operates an unregulated processing and bottling plant located in Middletown. Milk is distributed from this plant in Wayne, Madison, and Lemon townships in northern Butler county and in the townships of Franklin, Clear Creek, Wayne, Massie, Turtle Creek and Union townships in northern Warren county. Approximately half the fluid milk distributed from this plant is processed and packaged in the company's regulated plant in Dayton and transported to the Middletown plant. The remainder of the milk supply for the Middletown plant is received from local dairy farmers. This and other Dayton handlers opposed the inclusion in the marketing area of the above listed townships on the basis that: (1) They are more closely associated with the Dayton market than with the Cincinnati market;

(2) there is a problem of Class I price alignment; and (3) under the allocation procedure of the Cincinnati order, packaged milk transferred from a Dayton plant to a Middletown plant in the expanded area would be allocated first to the lower priced classes under the current Cincinnati order and thereby would place handlers transferring milk from Dayton at a competitive disadvantage with other Dayton handlers that delivered milk through distribution points.

The need for regulation of the plants located in Hamilton and Middletown was not challenged. In fact, consideration has been given by Dayton handlers to proposing extension of the Dayton-Springfield marketing area to include these townships and thus extend regulation to these plants under the Dayton order. Although these townships are located adjacent to the Dayton-Springfield marketing area, the question of Class I price alignment for plants located between the present Dayton-Springfield and the Cincinnati marketing areas can be resolved more feasibly by including the aforesaid townships in the Cincinnati marketing area rather than in the Dayton marketing area. This can be accomplished by a refinement in the location adjustment provisions of the Cincinnati order, as discussed elsewhere in this decision. The problem of inter-market movements of packaged milk can be accommodated by a change in the allocation provisions.

The operator of a plant in Georgetown, Brown county, who would be subject to partial regulation under the proposed order, excepted to (1) including in the marketing area that portion of Clermont county within the townships of Jackson, Williamsburg, and Tait and in the municipal corporation of Owensville; and (2) the application of compensatory payments on fluid milk products disposed of in the marketing area by partially regulated plants. It was claimed that presently regulated handlers do not supply 70 percent of the fluid milk sales in the area in Clermont county served by this distributor. Evidence supporting the finding that 70 percent of the total fluid milk in Clermont county is supplied by presently regulated handlers was not disputed on the record. The record contains no evidence to substantiate the exclusion of certain portions of Clermont county from the marketing area.

In the absence of full regulation of all plants which sell fluid milk in the marketing area, measures must be taken to protect the integrity of the classified pricing plan and marketwide pooling by removing any price advantage there might be in using unregulated milk for fluid disposition in the marketing area. The provisions of the present order for compensatory payments on milk disposed of in the marketing area by partially regulated plants are reasonable for the proposed expanded marketing area. The findings and conclusions with respect to the need for such payments for the present marketing area (19 F.R. 3475) are equally applicable for the proposed expanded marketing area and are adopted as a part of this decision.

The extension of the marketing area to include Butler, Warren and Clermont counties is necessary to maintain the effectiveness of the regulation, to promote market stability for dairy farmers who are now producers under the order and to assure consumers a dependable supply of fluid milk. Extension of the area as herein recommended will promote market stability for all producers of milk for this area and assure proper alignment in the cost of milk for all processors who distribute fluid milk therein.

The proposal of a handler to include Ohio county and Lawrenceburg and Center townships in Dearborn county, Indiana in the marketing area was predicated on the basis that Butler county would be included in the marketing area. This Indiana area is primarily rural in character. The principal centers of population, Lawrenceburg and Aurora, were 8,000 and 6,000, respectively, in 1950, and the total population of Ohio county was only 4,500. Nearly all fluid milk distributed on retail routes in this area is furnished from four local, relatively small, unregulated plants. Substantial portions of the milk disposed of on wholesale routes originate at four Cincinnati plants and at two unregulated plants located at Seymour and New Castle, Indiana. In view of the small population and the relatively small percentage of the total fluid milk sales of Cincinnati handlers distributed in this area, the townships of Lawrenceburg and Campbell in Dearborn county and Ohio county, Indiana should not be included in the marketing area.

Clinton, Highland, Brown and Adams counties in Ohio should not be included in the marketing area. These counties do not contain large centers of population and they have not experienced the growth of population shown for the counties to be included in the marketing area. They are basically rural areas and the major portion of the fluid milk distributed in these counties is from unregulated plants whose principal sales areas are confined to these counties or to counties not considered for inclusion in the marketing area.

In Clinton county approximately 85 percent of the fluid milk distributed is from an unregulated plant in Wilmington, Ohio. Routes from an unregulated plant at Washington Court House, Fayette county also extend into the southeastern part of the county. Some milk is distributed in the northern part of the county by handlers regulated under the Dayton-Springfield order. Only one presently regulated Cincinnati handler distributes milk in this county. The routes of this handler do not extend beyond Blanchester, located a short distance from the western county line. Handlers located in Hamilton and Middletown in Butler county who would be regulated by the proposed order have limited if any fluid sales in Clinton county.

More than half of the fluid milk distribution in Highland county is from an unregulated plant in Hillsboro, Highland county. Milk from this plant is also distributed in Clinton, Brown and Adams counties. Other plants from which milk

is distributed in Highland county include the unregulated plant at Washington Court House and a plant at Georgetown, Brown county. Only two Cincinnati handlers have fluid sales in Highland county. They supply less than 4 percent of the total milk distributed in the county. One Cincinnati handler serves only certain supermarkets in the county and the routes of the other are limited to the vicinity of Lynchburg near the Highland-Clinton county border.

The major portion of the milk distributed in Brown county is from unregulated plants located in Wilmington, Clinton county; Hillsboro, Highland county; Georgetown, Brown county; Bethel, Clermont county and in Maysville, Masonville county, Kentucky. Four Cincinnati handlers distribute milk in the county. If the Cincinnati marketing area were extended to include Brown county, however, the problem of dealing with overlapping sales areas of regulated and unregulated handlers would be intensified and would involve the principal distributors of milk in Clinton and Highland counties. Some of these distributors in turn have a substantial portion of their sales outside these counties.

A handler regulated under the present order excepted to the omission of Brown and Clinton counties from the marketing area and if such counties are not included, to the failure to provide a lower Class I price for milk distributed outside the marketing area than for fluid milk distributed in the marketing area.

The recommended marketing area has been designed to include that territory (1) in which a substantial portion of the fluid milk requirements is supplied from fully regulated plants, (2) which encompasses the outlets for a major portion of the total Class I sales from such plants and (3) which (along with other provisions of the order) keeps to a minimum the regulation of plants only incidentally associated with the market. It is virtually impossible to draw a boundary for a marketing area that would not result in at least some competition for the sale of milk between handlers subject to regulation and distributors who are not. Under the proposed marketing area, regulated handlers will have only a minor proportion of their total fluid milk sales outside the marketing area in competition with sales from unregulated plants. Class I milk prices are established by the order at a level which is necessary to assure an adequate supply of milk for consumers in the marketing area and which reflects the current supply-demand relationship in the market. There is no long-run economic justification for pricing a portion of producer milk which is disposed of by pool plants outside the marketing area lower than that portion which is disposed of inside the marketing area. To do so, would have the effect of subsidizing the consumers of milk in the outside areas at the expense of consumers of milk in the marketing area.

Adams county was proposed to be included in the marketing area only if Boone and Highland counties were to be included. Cincinnati handlers have no fluid milk sales in Adams county. Ac-

cordingly, Adams county should not be included in the marketing area.

Eight fluid milk distributing plants are located in Kenton, Campbell and Boone counties, Kentucky, commonly referred to as the Tri-County area. In addition to this area, fluid milk is distributed from these plants into 17 other Kentucky counties. More than half of the fluid milk from one of the larger plants is distributed outside the three-county area. The milk supply for these plants is procured from approximately 650 Kentucky dairy farmers. The cooperative proposing the expansion of the marketing area to include the Tri-County area represents slightly less than one-third of the 650 dairy farmers supplying the Tri-County area.

Although processors of milk in the Tri-County area pay dairy farmers for milk purchased on the basis of the Cincinnati uniform price, a relatively small proportion of the milk of Cincinnati regulated handlers is sold in competition with such milk. Milk from only one Cincinnati plant is disposed of in the Tri-County area. Disposition is made in Kenton and Boone counties to supermarkets which are operated by the same company as operates the Cincinnati fluid milk plant. The fluid requirements for certain supermarkets in Campbell county, also operated by the same company, are not obtained from the Cincinnati plant but are obtained from an unregulated distributing plant in Newport, Kentucky. At another of the eight plants in the Tri-County area, some milk is bottled for a Cincinnati handler for distribution in this area. No distributor in Kenton, Campbell and Boone counties disposes of fluid milk from his Kentucky plant in the present marketing area or in the additional area in Ohio recommended for inclusion in the marketing area. The volume of milk moving from Cincinnati to the Tri-County area is less than 7 percent of total fluid sales in this area and less than 2 percent of the total milk now under the order. The relatively limited movement of milk back and forth across the Ohio River and between these portions of the Cincinnati Metropolitan area is due in part to the lack of reciprocity in the approval of fluid milk by the respective health authorities. Ice cream mix, equal to about 6 percent of total Class II utilization under the order, is sold from certain Kentucky plants to plants in the present marketing area. No ice cream is sold in the marketing area from the Kentucky plants.

It was not shown that the marketing of milk by plants in the Tri-County area has had a disruptive influence on the orderly marketing of milk in the present marketing area. There was no indication that producers under the present order have lost Class I outlets for their milk to distributors in the Tri-County area or that returns to producers would be changed materially by extending the marketing area to include this area. Although some producers hold dual permits to supply milk to Cincinnati and the Tri-County area, it was not established that producers under the order are carrying reserve supplies for the Kentucky plants. Furthermore, no substantial need was shown for subjecting

to regulation the milk of dairy farmers supplying plants in the Tri-County area.

For these reasons, the proposals for inclusion of Kenton, Campbell and Boone counties as well as other nearby Kentucky counties in the Cincinnati marketing area should be denied.

2. Allocation provisions: The allocation provisions of the order should be modified.

The recommended expansion in the marketing area would bring under regulation at least one plant that receives packaged milk on a year-round basis from a plant regulated by the Dayton-Springfield order. This milk is received in containers for distribution to consumers without further processing. The receiving plant presently is not equipped to supply milk in the particular size or type of containers in which the milk is purchased.

Packaged milk transferred from a plant regulated by the Dayton-Springfield order is classified and priced as Class I milk. Such transferred milk would be other source milk at a plant regulated by the Cincinnati order and would be allocated, in series, beginning with the lowest-priced class. To the extent that the Cincinnati plant has utilization in classes other than Class I milk, excluding allowable producer milk shrinkage, the Dayton Class I milk would be allocated to a lower-priced class. This could result in increased cost of milk at a plant receiving such milk in relation to other Cincinnati plants and in relation to Dayton plants from which milk is disposed of directly to consumers in the expanded marketing area.

In view of the historical pattern, the form and the regularity of these transfers of milk, the allocation provisions of the Cincinnati order should be changed to accommodate these transfers of Class I milk. With Class I prices between the two orders in proper alignment and the pricing of this milk at the Class I price under the Dayton-Springfield order, there will be no price incentive for using such milk to undermine the regulation for the Cincinnati market. Provision should be made, therefore, to allocate fluid milk products received at a pool plant in consumer packages to Class I milk if the pool plant does not engage in packaging such products in such containers and if the milk has been classified and priced as Class I milk under the Dayton-Springfield order.

3. Location adjustments: The location adjustment provisions of the order (§§ 965.53 and 965.75) should be modified to provide a series of graduated price levels within the recommended expanded marketing area in accordance with the location of the pool plant with respect to Cincinnati.

The present order provides location differentials on producer milk and location adjustments to handlers on Class I and Class II milk of 15 cents per hundredweight at pool plants located beyond 45 miles but not more than 110 miles from the City Hall in Cincinnati. For each additional 10 miles, the allowance is 1.5 cents per hundredweight. The Class I differentials over the basic formula prices under the Cincinnati and Dayton-

Springfield orders are \$1.30 and \$1.20, respectively.

The plants located in Hamilton and Middletown which would be regulated by the proposed extension of the marketing area, dispose of milk on routes in competition with milk from Dayton-Springfield order plants. Milk also is moved from a Dayton plant in consumer packages to a plant in Middletown. If no changes were made in the present location adjustment provisions, the full 10-cent difference would exist between the Class I differentials under the respective orders at Dayton plants and at the nearby Hamilton and Middletown plants. The application of the present location adjustment also results in a Cincinnati Class I price differential, f.o.b. Dayton, at 5 cents below the Dayton Class I differential. These differences in price differentials are not justified on the basis of economic considerations. They could cause dislocation in the sources of supply between plants under the two orders after regulation is extended to additional plants.

The historical difference of 10 cents between the differentials under the two orders should not be changed. The principal and normal movement of milk in the Ohio production area serving Cincinnati and Dayton is primarily from north to south. The location adjustments provisions of the Cincinnati order should be modified, therefore, to provide a more reasonable Class I price differential alignment between Cincinnati and Dayton regulated plants. This should be accomplished by providing a location adjustment of 4 cents per hundredweight at pool plants located 20-30 miles from the City Hall in Cincinnati and 2 cents per hundredweight for each additional 10 miles up to 60 miles. Thereafter, the present rate of 1½ cents per hundredweight for each additional 10 miles, which has been found to reflect the cost of hauling milk from distant plants in this market, should be applied. The higher rate of 2 cents for each 10 miles within the 20-60 mile radius reflects higher unit costs for shorter hauls and is a necessary and reasonable basis for graduating prices at Order No. 65 plants located between Dayton and Cincinnati in relation to their location with respect to Cincinnati and to Dayton as well. The Class I differential f.o.b. Dayton will be identical with the differential under the Dayton-Springfield order. The appropriate graduation in prices and the maintenance of the present level of prices at the maximum number of presently regulated distributing plants will be achieved by starting location adjustments at the 20-mile radius.

The rate of location adjustments should be the same at all pool plants similarly situated irrespective of whether such plants qualify as pool plants on the basis of furnishing bulk milk to other pool plants or by route distribution in the marketing area. There are presently three supply plants under the order. At two of the plants, the rate of adjustment would not be changed more than one cent per hundredweight. At the other plant, the rate would be reduced from 15 to 10 cents per hundredweight. The pro-

posed schedule of adjustments will more nearly reflect the value of the milk at these plants in accordance with their location with respect to the Cincinnati market than the present basis.

A proposal was made at the hearing to provide variable location adjustments to producers on milk received at individual supply plants based on the proportion of such receipts which is classified as Class I milk. The location adjustment would be decreased as the Class I utilization percentage of the plant increased. The stated intent of the proposal is to provide a higher blend price to country plant producers when additional Class I milk is needed in the market and when there is usually strong competition from other markets for the milk supply.

The application of this proposal would conflict with the basic principles underlying marketwide pooling and the adjustment of uniform prices to the location of the plant where the milk is received. The proposal should be denied. The present method of applying the same rate of location adjustments to producer receipts as is applied to Class I and Class II milk at pool plants is economically sound and should be continued. The necessary conforming changes should be made in § 965.75.

The producer associations excepted to the proposed location adjustments on Class I milk because of the resulting four-cent per hundredweight lower Class I price to handlers operating pool plants located in the 20-30 mile zone from Cincinnati than to handlers operating pool plants in Cincinnati or within 20 miles therefrom and particularly to the adjustment of uniform prices to producers at the same rate as is applicable to Class I prices. The associations favored the removal of location adjustments at plants located within a wider mileage range of Cincinnati or, as an alternative, the elimination of location adjustment of blend prices to producers at plants within such area.

The associations pointed out that some producers who supply milk to plants in the 20-30 mile zone are located in the same communities and on the same routes as producers whose milk is delivered to plants in Cincinnati. They argued that the proposed location adjustment and the resulting differences in blend prices to such producers will cause producer dissatisfaction and create problems for the cooperatives in membership relations; and that producers supplying milk to plants at which location adjustments apply will desire to deliver their milk to plants at which no location adjustments are applicable.

The operator of a pool plant located in Butler county in the 20-30 mile zone, on the other hand, excepted to the proposed location adjustment and the resulting Class I price in such zone as being too high in relation to the Dayton-Springfield Class I price. This handler contended that the Cincinnati order location adjustments for the 20-30 mile zone should be increased because of the 10-cent lower Class I price differentials and the smaller supply-demand additions to Class I prices under the Dayton-

Springfield order. It was argued that unless the location adjustments are increased, operators of Cincinnati pool plants in this zone would be in an unfavorable competitive position with Dayton-Springfield handlers in the sale of fluid milk.

Although the objections of the producer associations have some merit, they must be weighed in the light of other exceptions and alternative solutions. To eliminate the location adjustments in the 20-30 mile zone, as proposed by producers, would tend to place the operators of Cincinnati pool plants in this zone at an undue competitive disadvantage in the sale of fluid milk in competition with Dayton-Springfield handlers. This, in turn, would adversely affect the returns to Cincinnati producers. To provide for different location adjustments of the blend price to producers than of the Class I prices to handlers would fail to reflect to producers the economic value of their milk to the market. To further increase the location adjustments, as proposed by handlers, could intensify the problem of blend price differences among producers and the dislocation of milk supplies for plants in the 20-30 mile zone.

In view of all of these considerations, it is concluded that the proposed location adjustments, together with the changes in the supply-demand provisions of the Dayton-Springfield order will result in Class I price alignment commensurate with the supply-demand relationships existing in the respective markets. The proposed graduated location adjustments will keep to a minimum any producer dissatisfaction; reflect the appropriate value of milk to pool plants in accordance with their location; promote optimum utilization of producer milk in Class I; and, serve the best overall interest of the market.

4. Class I prices and supply-demand adjustments: A proposal was made to delete the supply-demand provisions of the order or to limit supply-demand adjustments of the Class I price to 20 cents. Testimony on this proposal related primarily to the alignment of prices between the Cincinnati and Dayton-Springfield orders, particularly with respect to plants located in the proposed expanded marketing area. A maximum supply-demand adjustment of 38 cents instead of the proposed 20-cent maximum was supported by proponent on the basis that a 38-cent maximum is provided under the Dayton-Springfield order. A suggestion was also made that either the Class I price be decreased under the Cincinnati order at plants located between Dayton and Cincinnati or the Dayton-Springfield price be increased. Suggestions were made for pricing zones for milk disposed of in the area between Cincinnati and Dayton.

Some aspects of the Class I price alignment problem and appropriate methods for aligning Class I price differentials between the two markets is discussed under Issue No. 3.

Official notice is taken also of the decision on proposed amendments to the Dayton-Springfield order issued, March 17, 1959 (24 F.R. 2206) and the amending

order issued March 20, 1959 (24 F.R. 2293).

It provides for adjustment of the Dayton-Springfield Class I prices by averaging the supply-demand adjustments under the Cincinnati and the Dayton-Springfield orders. This will tend to reduce differences in the Class I prices caused by supply-demand adjustments in the two markets and would promote a more uniform relationship between Class I prices from month to month.

The relationship of Class I sales to producer milk receipts as shown by the two-month average ratios applied under the supply-demand adjuster of the Cincinnati order is a reliable measure for appraising the changes in supply-demand conditions in this market. Official notice is taken of class price announcements released by the administrator of Order No. 65 for September 1958 through January 1959 to supplement the summaries contained in the record and afford a comparison of monthly figures for 1958 with previous years. Notwithstanding the fact that there has been some trend toward a more even seasonal production pattern, the ratio of Class I sales to receipts during the fall and winter of 1958 was higher than the ratios for corresponding periods of each year since 1954. In each month of 1958, the ratio was higher than the corresponding month of 1957, 1956, all except three months of 1955 and one month of 1954.

During 1958, the supply-demand adjuster increased the Class I price an average of 19 cents. During the months of September 1958 through February 1959, the season when production is normally lowest in relation to sales, the maximum adjustment was 33 cents. During the period March through August when the market has seasonal reserves, the maximum adjustment was 21 cents.

During the fall and winter months of 1957-1958 the market had a reserve supply of producer milk approximately 33 percent above Class I requirements and an average reserve for the year of approximately 50 percent. Grade A milk is required for most Class II uses in this market. During the short production months, September-February of 1957-1958, the gross Class II utilization of handlers was equal to about 28 percent of total receipts from producers. Producer milk classified as Class III milk average slightly less than 6 percent of total receipts of producer milk.

The proposed extension of the marketing area raises the question, as to the appropriateness of the standard utilization percentages applied under the present supply-demand adjuster. As was previously indicated, the receipts of milk from dairy farmers at some plants which would become subject to regulation might be somewhat lower in relation to their Class I sales than the marketwide average for presently regulated plants. The extent to which the annual level of the relationship between receipts and sales would be changed cannot be ascertained on the basis of the record; however, because of the substantially greater volume of milk now under regulation, the additional receipts and sales

would have only minor effects. The seasonal pattern of receipts and sales should be substantially the same because of the common production and sales areas.

For the above stated reasons, neither the Class I price differential nor the level of the standard utilization percentages of the supply-demand adjuster should be changed so as to reduce Class I prices at this time. To do so, would reduce uniform prices to producers at the same time that producer milk receipts in relation to Class I sales are declining. If this trend is reversed, either by a decrease in Class I sales or an increase in producer milk receipts or both, the supply-demand adjuster would automatically reduce the price. Similarly, if the trend toward shorter supplies in relation to Class I sales continues, Class I prices would be automatically increased.

Class I prices are announced under the present order on or before the 5th day following the end of the month to which they apply. Class I prices under the Dayton-Springfield and several other Ohio orders are announced near the beginning of the current month. This is accomplished by using the basic formula price for the preceding month rather than for the current month. Although over a period of time, there will be little or no difference in costs of milk to handlers or returns to producers, the difference in method of determining prices under the Dayton-Springfield and Cincinnati orders has resulted in monthly differences in price movements between the two markets. An earlier announcement of Class I prices is desirable in order that producers and handlers will know with certainty the price which is to be paid for the major portion of their milk in advance of its sale. The present supply-demand provisions can be applied to advance pricing without change. The use of the basic formula price for the previous month and the announcement of Class I prices at the beginning of the month should be adopted in Order No. 65.

5. Classification of skim milk disposed of to food processors and clarification of class definitions: A proposal was made to classify in Class III milk on a year-round basis skim milk transferred to food manufacturers for use in processing margarine. At the present time, skim milk and butterfat transferred to commercial food processing establishments in the form of skim milk, milk or cream during the months of September through February are classified as Class I milk. In other months such transfers are classified as Class III milk. Milk used for Class I (fluid milk) and most Class II products (principally ice cream and cottage cheese) is required to come from Grade A sources.

Class II and Class III prices for skim milk are identical during the months of September through February. The effect of this proposal, therefore, would be to price skim milk used in processing margarine at the Class II level of prices during the months of September through February. During this 6-month period of 1957-1958, the Class II skim milk price was 82 cents per hundredweight and the Class I skim milk price \$1.88 per hundredweight. Proponent of this pro-

posal stated that the account of one margarine manufacturer had been lost to outside sources of skim milk and losses were incurred on sales that were being made at the present time to other manufacturers. Under the health regulations, ungraded milk may be used for the manufacture of margarine, soups, bread and other similar food products.

The proponent of the change in classification processes fluid milk for route distribution, manufactures ice cream, ice cream mix, butter and supplies other plants with cream for ice cream production. The skim milk transferred to food processors is a residual supply from these operations. The proponent has facilities to manufacture dried skim milk but these facilities were not in operation at the time of the hearing. Dried skim milk from outside sources was being used by proponent to supplement producer milk in the production of ice cream. Under such conditions, the alternative outlet for such skim milk would be in Class II milk uses.

The pricing of Class II and Class III milk at the same level during the fall and winter months is to encourage the allocation of milk among plants according to their needs for Grade A milk in Class I and Class II uses and to discourage the development of year-round supplies for Class III uses under the marketwide pool. It would be unreasonable, therefore, to price milk transferred to food processors at less than the Class II price. In view of the fact that Class III and Class II prices are identical during the fall and winter months, it is concluded that skim milk, milk or cream disposed of to food processing establishments where food products are prepared only for consumption off the premises should be Class III milk throughout the year.

The definition of Class II milk should be revised by including language which would distinguish more clearly between milk used for malted milk and milk shake mixes and milk used for ice cream and ice cream mix. Under the order, skim milk and butterfat used to produce ice cream and ice cream mix are classified as Class II milk. Skim milk and butterfat used in malted milks, milk shakes, or mixes for such milk drinks are Class I milk. In some cases, the formula for such products may be similar to that of certain ice cream mixes.

At the present time, the classification of such mixtures is determined on the basis of whether or not the product is actually frozen when sold or served to the ultimate consumer. This determination is administratively burdensome because the product must be traced to the final consumer. Classification would be facilitated by reliance upon either the use made of the milk in a plant or the form in which the milk is disposed of from the plant.

A proposal was made to classify the milk used for such products as Class II milk if the mixture produced at the plant contained more than 10 percent added sugar and more than 25 percent solids not fat, including the sugar. The milk used in products containing less than 10 percent added sugar and 25 percent solids not fat would be Class I milk. At

certain plants mixtures of skim milk and butterfat are produced which contain 12 percent skim solids, 14 percent butterfat and no sugar. Since this mixture would contain less than 10 percent sugar, the adoption of the proposed language would classify the milk used in such mixtures as Class I milk even though the mixture may be used in ice cream mix. Certain handlers favored improvement in the order language by some reference to the solids content of the product and suggested that mixtures containing 15 percent or more total milk solids should be Class II milk and mixtures containing less than 15 percent or more solids should be Class I milk. A basis of classification dependent exclusively on solids content could result in the classification of skim milk and butterfat used in certain fluid milk products as Class II milk and certain products now in Class II milk, such as mixes for sherbets, as Class I milk. This was not the intent of the proposal and was not contemplated by participating parties to the proceeding. It is concluded therefore, that the Class II definition should be revised by specifically excluding "malted milk and milk shake mixtures containing less than 15 percent total solids". Since ice cream or frozen custard mixes which are in Class II milk normally contain more than 15 percent total milk solids, this language will more clearly distinguish between ice cream mixes and malted milk or milk shake mixtures. A conforming change should be made in the definition of fluid milk products. This, in turn, will provide a reasonable basis for designating skim milk and butterfat used in such mixtures containing less than 15 percent total milk solids as a fluid milk product and as Class I milk along with other flavored milk drinks.

6. Marketing service assessments: A proposal was made to increase the marketing service assessment rate from 6 to 7 cents per hundredweight on milk of producers who are not members of a qualified cooperative association for checking weights and tests of their milk and furnishing them market information.

The number of nonmember-producers for whom services are performed by the market administrator has decreased from 750 in 1953 to 230 producers in 1958. The volume of milk shipped by such producers has declined from about 5 to 2.5 million pounds per month. The minimum assessment rate under the order was increased from 4 to 6 cents in 1953. With the decrease in the volume of milk and rising costs of labor and supplies, the costs of services performed for producers has exceeded current income and some reserves which had been accumulated in the fund are almost depleted.

No maximum rates are established for marketing service assessments by the Act and the extent to which such services are to be performed is not defined. The maximum rates which have been established in other orders in the mid-western States range from 2 to 6 cents per hundredweight. Differences in these rates are related to the number of nonmember-producers, the volume of milk

delivered by them, the scatter and location of milk plants and the extent of the services which are performed.

A decline in the number of non-member-producers comparable to that in the Cincinnati market has been experienced in most midwestern markets. The problem of increasing unit costs associated with the downward trend in volume of milk, therefore, is not limited to the Cincinnati market.

The extent to which the rate of deduction should be increased to offset rising costs or the efficacy of curtailing the services rendered cannot be discerned on the basis of this record. Moreover, the administration of such services is subject to some degree of discretion. Accordingly, the present 6-cent rate under the order, which has become thus far the ceiling for marketing service deductions under similar circumstances in the other midwestern markets, should not be changed at this time.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing agreement regulating the handling of milk in the Cincinnati, Ohio, marketing area", and "Order amending the order regulating the handling of milk in the Cincinnati, Ohio, marketing area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order will be published with this decision.

Referendum order; determination of representative period; and designation of referendum agent. It is hereby directed that a referendum be conducted to determine whether the issuance of the attached order amending the order regulating the handling of milk in the Cincinnati, Ohio, marketing area, is approved or favored by the producers, as defined under the terms of the order, as hereby proposed to be amended, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

The month of February 1959 is hereby determined to be the representative period for the conduct of such referendum.

Fred W. Issler is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders, as published in the FEDERAL REGISTER on August 10, 1950 (15 F.R. 5177), such referendum to be completed on or before the 20th day from the date this decision is issued.

Issued at Washington, D.C., this 10th day of April 1959.

[SEAL]

CLARENCE L. MILLER,
Assistant Secretary.

Order Amending the Order Regulating the Handling of Milk in the Cincinnati, Ohio, Marketing Area

§ 965.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection

¹ This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) **Findings upon the basis of the hearing record.** Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Cincinnati, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, two cents per hundredweight or such amount not to exceed two cents per hundredweight as the Secretary may prescribe, with respect to all producer milk received during the month.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Cincinnati, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete § 965.3 and substitute therefor the following:

§ 965.3 Cincinnati, Ohio, marketing area.

"Cincinnati, Ohio, marketing area," hereinafter called the marketing area,

means all the territory within the boundaries of the city of Cincinnati and the counties of Butler, Clermont, Hamilton and Warren, all in the State of Ohio.

2. Delete § 965.15 and substitute therefor the following:

§ 965.15 Fluid milk product.

"Fluid milk product" means the fluid form of milk, skim milk, buttermilk, flavored milk, milk drink, cream (sweet, cultured, sour or whipped), eggnog, concentrated milk; and any mixture of milk, skim milk or cream (including fluid, frozen or semi-frozen malted milk and milk shake mixtures containing less than 15 percent total milk solids; and excluding frozen storage cream, aerated cream in dispensers, ice cream and frozen dessert mixes, and evaporated and condensed milk).

§ 965.41 [Amendment]

3. Delete § 965.41(b) and substitute therefor the following:

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce ice cream, frozen desserts, ice cream and frozen dessert mixes (excluding malted milk or milk shake mixtures containing less than 15 percent total milk solids), milk or skim milk and cream mixtures disposed of in containers or dispensers under pressure for the purpose of dispensing a whipped or aerated product, and cottage cheese; and

(2) Inventories of fluid milk products; and

4. In § 965.41(c) (3), delete "during the months of March through August, inclusive,"

§ 965.46 [Amendment]

5. Delete § 965.46(a) (3) and substitute therefor the following:

(3) Subtract from the remaining pounds of skim milk: (i) In Class I milk, the pounds of skim milk received in the form of fluid milk products in consumer packages not larger than one gallon from a plant fully regulated pursuant to Part 971 of this chapter: *Provided*, That this subdivision shall not apply to skim milk in any product if the same product is processed and packaged in the same size and type of container in the pool plant; and (ii) in each class, in series beginning with the lowest-priced use available, the pounds of skim milk in other source milk received in the form of a fluid milk product, excluding the pounds subtracted pursuant to subdivision (i) of this subparagraph, which is subject to the Class I pricing provisions of an order issued pursuant to the Act;"

§ 965.51 [Amendment]

6. In § 965.51(a) immediately following "basic formula price" insert "for the preceding month".

§ 965.52 [Amendment]

7. At the end of § 965.52(a), delete the semicolon (;) and add: "for the preceding month;"

8. Delete § 965.53 and substitute therefor the following:

§ 965.53 Location differentials to handlers.

For that skim milk and butterfat in producer milk received at a pool plant located more than 20 miles by the shortest highway distance from the City Hall in Cincinnati, Ohio, as determined by the market administrator, and which is (a) moved in the form of a fluid milk product or as condensed skim milk or frozen cream to a pool plant located not more than 20 miles from the City Hall in Cincinnati, Ohio, or (b) otherwise disposed of or utilized as Class I or Class II milk at such plant the handler's obligation pursuant to § 965.60, subject to the proviso of this section, shall be reduced at the rate set forth in the following schedule according to the location of the pool plant where such skim milk and butterfat is received from producers as follows:

Distance from the City Hall (miles):	Rate per hundredweight (cents)
More than 20 but less than 30.....	4.0
30 but less than 40.....	6.0
40 but less than 50.....	8.0
50 but less than 60.....	10.0
For each additional 10 miles or fraction thereof an additional.....	1.5

Provided, That in the case of transfers made under paragraph (a) of this section, the location differential credit (1) shall apply to the actual weight of the skim milk and butterfat moved, which weight shall not exceed the difference calculated by subtracting from the total pounds of skim milk and butterfat in Class I milk and Class II milk at the transferee's plant the total skim milk and butterfat in producer milk physically received at such plant, and (2) shall be allowed to the transferee-handler if such credit does not exceed the obligation of such handler to the producer-settlement fund for the month.

9. Delete § 965.75 and substitute therefor the following:

§ 965.75 Location differentials to producers.

In computing the payment due each producer pursuant to § 965.73, the uniform price for producer milk at a pool plant located more than 20 miles by the shortest hard surfaced highway distance from the City Hall in Cincinnati, Ohio, as determined by the market administrator, shall be reduced at the rate set forth in the following schedule according to the location of the pool plant where such milk is received from producers:

Distance from the City Hall (miles):	Rate per hundredweight (cents)
More than 20 but less than 30.....	4.0
30 but less than 40.....	6.0
40 but less than 50.....	8.0
50 but less than 60.....	10.0
Each additional 10 miles or fraction thereof an additional.....	1.5

[F.R. Doc. 59-3146; Filed, April 14, 1959; 8:50 a.m.]

[7 CFR Parts 972, 1012]

[Docket Nos. AO-177-A19, AO-177-A18 and AO-278-A2]

MILK IN TRI-STATE AND BLUEFIELD MARKETING AREAS

Decision With Respect to Proposed Amendments to Tentative Marketing Agreements and to Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Bluefield, West Virginia, on December 1 and 2, 1958, and at Gallipolis, Ohio, on December 3-5, 1958, pursuant to notices thereof issued on November 10, 1958 (23 F.R. 8872).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on March 10, 1959 (24 F.R. 1834), filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues on the records of the hearings relate to:

1. Marketing area.
2. Class I price.
 - (a) Annual level, supply-demand adjustment and seasonal adjustments.
 - (b) Price districts.
 - (c) Location adjustments.
3. Pass-back to supply plants of Class I utilization at fluid milk plants.
4. Payments to dairy farmers from whom handlers have discontinued receiving milk.
5. Provision for more than one accounting period within a month.
6. Equivalent price provision.
7. Conforming, clarifying and administrative changes.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearings and the records thereof:

1. *Marketing area.* The Tri-State marketing area should be expanded to include all the territory within the boundaries of Lawrence, Magoffin, Pike, Floyd, Johnson, and Martin counties, Kentucky; Magisterial Districts 2, 3 and 8, Lewis County, Kentucky; and Adams and Waterford townships, Washington County, Ohio.

Handlers proposed that the eight eastern Kentucky counties of Carter, Lawrence, Morgan, Magoffin, Pike, Floyd, Johnson, and Martin be included in the Huntington district of the Tri-State marketing area. A cooperative association representing the majority of producers delivering to Huntington district plants supported the handlers' proposal. No opposing testimony was offered.

A joint Tri-State-Bluefield hearing was held in Bluefield, West Virginia, during the two days preceding the opening of the hearing at Gallipolis, Ohio, on

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which this recommended decision is based. Among the issues considered at that hearing was whether Pike, Floyd, Johnson, and Martin counties should be included as part of either the Tri-State or Bluefield marketing areas. The parts of the record of that hearing dealing with proposed regulation of these four counties were incorporated in this record by reference. The findings and conclusions herein on these four counties are thus based upon the evidence thereon in both records.

With respect to Pike, Floyd, Johnson, and Martin counties, Kentucky, proposals were made to include these counties as part of the marketing areas under either the Bluefield or Tri-State Federal orders or as the marketing area of a separate order. All handlers, but one, currently selling in these four counties are regulated under either the Bluefield or Tri-State orders. Handlers who have plants regulated under either the Bluefield or Tri-State orders, or under both, argued that the unregulated handler had a competitive advantage in that he could procure milk at opportunity prices, without regard to use classification and pricing as provided by Federal orders. Producer cooperatives representing Bluefield and Tri-State producers testified that the unregulated handler contributed to market instability.

The plant selling in this four-county area which is not regulated by either order is located at Paintsville in Johnson County. This plant receives the milk of 40 or more dairy farmers who are located in Johnson, Lawrence and Morgan counties, Kentucky. The plant also obtains supplemental milk from plants located outside the eastern Kentucky area. The dairy farmers who supply this plant are not members of any cooperative association, although some of them previously were members of a cooperative association principally engaged in supplying the Bluefield and Tri-State markets.

The milk procurement areas of at least one Tri-State handler and the unregulated plant overlap to some degree. The unregulated plant pays its dairy farmers a price which is usually competitive with the blend price paid by a Tri-State handler, and sometimes higher. This at times has caused some dairy farmers to leave the Tri-State market and ship to the unregulated plant. At other times, when the unregulated plant desired less milk from dairy farmers it paid a price less than the blend price paid by the Tri-State handler, and some dairy farmers supplying his plant have then shifted back to the Tri-State market.

Handlers regulated under either the Bluefield or Tri-State orders distribute from 85 to 90 percent of total Class I sales in Pike County, from 70 to 80 percent of such sales in Floyd County, from 40 to 50 percent in Johnson County, and approximately 90 percent in Martin County. The remainder of the milk sales in these counties is made by the unregulated plant. Johnson is the only county of the four in which regulated handlers do not distribute the majority of total Class I sales. However, if either

of the two orders were expanded only to include the three other proposed counties, the unregulated plant would become fully regulated because of the volume of its sales in these counties.

Approximately 90 percent of the total fluid sales from the unregulated plant at Paintsville are distributed in the four proposed counties. All other plants serving this area are fully regulated under the terms of a Federal order.

In the absence of regulation within this proposed four-county area the one unregulated plant has a cost advantage since it is not required to pay farmers on a class-utilization basis. The unregulated plant's sales constitute a substantial proportion of the sales in the proposed area and, accordingly, a situation of inequity exists between handlers presently regulated under the Bluefield and Tri-State orders as compared to the unregulated plant. Besides the consideration that there is an extensive overlapping of distribution routes of this unregulated plant with those of regulated handlers, there is also an overlapping of production areas and a shifting of dairy farmers between this plant and Tri-State order plants. If regulation were extended to the four-county area, all but a small proportion of the total sales of the now unregulated plant would be within regulated area. These considerations constitute a substantial basis for establishing milk order regulation in the proposed four-county area. The appropriate method of regulation depends upon further considerations including whether this area should be added to the Bluefield marketing area or Tri-State marketing area or regulated under a separate order.

One method of regulation which was proposed was to include the four counties as the marketing area of a separate order. This procedure is unnecessary to accomplish marketing stability if regulation under either the Tri-State or Bluefield orders is feasible. A separate order would regulate only the plant located at Paintsville. All other plants serving these four counties distribute a greater volume of their total Class I sales, in either the present Bluefield or Tri-State marketing areas.

Three Bluefield handlers distribute milk in the proposed four-county area. One of these distributes in Pike County approximately 20 percent of his total Class I sales and has no Class I sales in the other three proposed counties, and another distributes in Pike, Floyd and Martin counties approximately 18 percent of his total Class I sales and has no sales in Johnson County. The third Bluefield handler has very minor sales in the proposed area. Four Tri-State handlers distribute milk on routes in the proposed counties. There was agreement among proponents from both markets that Tri-State order handlers distribute more milk in Floyd and Martin counties than do Bluefield handlers, and that Tri-State handlers distribute all of the regulated milk in Johnson County. There was some disagreement among proponents as to whether in Pike County the greater part of the regulated milk was sold by Tri-State or Bluefield

handlers. Information was presented by the market administrator for the Bluefield marketing area which showed that handlers under both orders have been distributing about the same amount of milk in Pike County and that the majority of sales in each of Floyd and Martin counties is by Tri-State handlers. This information was a summary of reports submitted to the administrators in the Tri-State and Bluefield markets by handlers operating in the proposed counties.

In view of the preponderance of sales in Martin and Floyd counties by Tri-State handlers, these counties should be regulated under the Tri-State order rather than the Bluefield order. Inasmuch as this would result in regulation of the plant at Paintsville which is now unregulated, the majority of sales in Pike County would then also be by Tri-State handlers. It is concluded that Pike County also should be regulated under the Tri-State order rather than the Bluefield order.

The inclusion of Pike, Martin and Floyd counties in the Tri-State marketing area will result in regulation under the Tri-State order of all handlers now selling in Johnson County. Johnson County also should be included in the Tri-State marketing area if regulation is extended to the other three counties so as to preserve the equity of cost of milk among any plants which may sell there. It is necessary that Federal order regulation apply to milk sold in all of the four counties of Martin, Floyd, Johnson, and Pike in order to assure orderly marketing conditions for both the Tri-State and Bluefield markets.

Tri-State handlers make approximately 60 percent of the total Class I sales in Magoffin County, Kentucky, and handlers regulated under the Appalachian order make approximately 10 percent of the total sales in that county. The remaining Class I sales in Magoffin County are by the unregulated handler whose plant is located at Paintsville, Kentucky. However, this handler will become fully regulated as a result of the expansion of the Tri-State marketing area to include Pike, Floyd, Johnson, and Martin counties and, thus, all Class I sales in Magoffin County will be by handlers regulated by Federal orders. Tri-State regulated handlers now distribute all the Class I products sold in Lawrence County. Unregulated handlers distribute milk in neighboring areas and constitute a threat to the stability of marketing conditions in these proposed counties. In order to preserve equitable pricing of milk between all handlers selling in Magoffin and Lawrence counties, these two counties should be included in the Tri-State marketing area.

Carter County, Kentucky, should not be included in the Tri-State marketing area. Handlers regulated under the Tri-State order distribute approximately 70 percent of the total fluid disposition in this county. Two unregulated handlers distribute the remaining 30 percent. Regulated handlers testified that the unregulated handlers have an unfair cost advantage in the procurement of milk. Neither the unregulated handlers nor

the dairy farmers who deliver to them were represented at the hearing.

At least one of these unregulated handlers competes for a substantial share of his total fluid sales with other unregulated handlers who do not distribute fluid milk in Carter County and who would not become regulated by any extension of the marketing area herein considered. Although the addition of this county to the Tri-State area would no doubt reduce the problem of competition for some regulated handlers, the same type of problem would be transferred to the newly regulated handlers. In view of this situation, the proposed extension of the marketing area to include Carter County is not practical, and is not adopted.

Information as to handler operations in Morgan County was not provided in the record. Accordingly, there is no basis for including this county in the marketing area.

Handlers proposed that Lewis County, Kentucky, and Adams County, Ohio, be included in the Gallipolis-Scioto district of the marketing area.

Two regulated handlers whose plants are located in the Gallipolis-Scioto district distribute approximately 80 percent of the total fluid sales made in Lewis County. This distribution is concentrated in the relatively heavily-populated northcentral and northeastern portions of the county along the Ohio River. Three unregulated handlers distribute the remaining 20 percent of total fluid sales, primarily in the western portion of the county. The unregulated handlers were not represented at the hearing.

If the marketing area were expanded to include Magisterial Districts 2, 3 and 8 of Lewis County, Kentucky, this would provide a clear division between the distribution areas in Lewis County of the regulated handlers and those of the unregulated handlers. Thus, any serious disadvantage and potential inequities to regulated handlers can be eliminated by including in the Tri-State area these portions of Lewis County which are supplied exclusively by regulated handlers. It is concluded that the order should be so amended.

Adams County, Ohio, should not be included in the marketing area. The same two handlers who proposed the inclusion of Lewis also distribute milk in Adams County in competition with four unregulated handlers.

The two regulated handlers testified that the unregulated handlers with whom they compete have an unfair advantage in the purchase of milk, and proposed the inclusion of Adams County in the Gallipolis-Scioto district to eliminate this advantage. An association responsible for the marketing of a substantial amount of the producer milk received by the proponent handlers supported the proposal. Three of the four unregulated handlers appeared in opposition to it.

One proponent handler distributes in Adams County approximately 10 percent of his total fluid sales, and the other distributes less than 2 percent of his sales in the county. One of the unregulated handlers disposes of in Adams County approximately 34 percent of his total sales, another, about 24 percent, and a

third, about 1 percent. Corresponding information on the other unregulated handler selling in Adams County was not available.

On the basis of daily average sales figures for the months of September and October 1958, based on data given by the two regulated handlers and three of the four unregulated handlers, it is estimated that the two regulated handlers accounted for approximately 30 percent of the total fluid sales in Adams County and the unregulated handlers accounted for the remainder.

The extension into Adams County would not reduce the extent to which there would be handlers under the order who would have substantial parts of their established business in areas where they encounter competition of unregulated plants. The data shows the extension would result in the same problem in just as great a degree as now experienced by proponent handlers. The handlers who would be brought under regulation have a substantial part of their sales in Adams County, but the major portion of their business is in Highland and Brown counties, Ohio, and other nearby Ohio and Kentucky counties. These latter counties include sales areas where plants not regulated under any order (or contemplated extension thereof) distribute milk. It is concluded that Adams County, Ohio, should not be added to the marketing area.

Handlers proposed that Adams and Waterford townships, Washington County, Ohio, and Malta and Morgan townships, Morgan County, Ohio, be included in the Athens district of the Tri-State marketing area.

Regulated handlers distribute all of the fluid milk sold in Adams and Waterford townships and approximately 85 percent of the fluid milk sold in Malta and Morgan townships. Two unregulated handlers distribute the remaining 15 percent of the total fluid milk sold in Malta and Morgan townships. Pursuant to the 1950 census, the combined population of Adams and Waterford townships was 3,864 and the combined population of Malta and Morgan townships was 3,112.

Since only regulated handlers distribute fluid milk in Adams and Waterford townships, no additional handlers will be regulated as a result of these two townships being included in the marketing area. Their inclusion will eliminate any potential inequity in milk procurement costs should handlers not now regulated and selling milk in nearby areas expand their distribution into these townships. Therefore, Adams and Waterford townships should be included in the Tri-State marketing area.

The fluid sales by each regulated handler selling in Malta and Morgan townships represent a small percentage of his total sales. If these two townships were included in the marketing area, two unregulated handlers who have their major distribution elsewhere would become regulated. Testimony does not show the distribution area of the unregulated handlers nor whether their major competition is with regulated or unregulated handlers. Accordingly, it is concluded

that these townships should not be included in the marketing area.

2. *Class I price.* The annual average of the Class I price differentials should be maintained at about the present level. The amount of seasonal change in the Class I price should be reduced. An additional price district should be provided for certain counties in eastern Kentucky which would be added to the marketing area, and additional basing points for location adjustments should be provided.

Producer associations proposed that the Class I price be increased by establishing higher differentials over the basic formula price. These differentials for the Huntington district would be \$1.40 per hundredweight for April through July and \$2.05 per hundredweight for August through March. The Class I differentials in the Gallipolis-Scioto district for the corresponding months would be 7½ cents lower and in the Athens district 15 cents lower. The producer associations based the request for such price increases on the competition of nearby markets for Tri-State producers. The proposed change in the seasonal range of prices was requested because the wide seasonal fluctuations under current order provisions are disturbing to producers, are not necessary in view of the improved seasonal production, and because a lower seasonal price change would result in better relationships with other markets.

The Class I price differentials in the order for the Huntington district are \$1.10 for April through July, \$1.55 for February, March and August, and \$2.00 for September through January. The average of these differentials is about \$1.59 for the year. In the Gallipolis-Scioto district the Class I differentials are 10 cents lower and in the Athens district 20 cents lower.

The proposal made by producers would result in average Class I differentials of \$1.83 for the Huntington district, \$1.755 for the Gallipolis-Scioto district, and \$1.68 for the Athens district. The increase in each district would be approximately 24 cents, 26 cents and 29 cents, respectively.

Handlers were opposed to any increase in the general level of the Class I price but did not oppose seasonal adjustments of the price.

An important consideration in determining the appropriate level of the Class I price for the Tri-State market is the price level in nearby Federal order markets. The Huntington district 1958 average Class I price, including the supply-demand adjustment, for milk of 3.5 percent butterfat content was \$4.76. For milk of the same butterfat content, the 1958 average Class I prices effective in nearby Federal order markets were as follows: Cincinnati—\$4.58, Columbus—\$4.36, and Bluefield—\$4.95. During certain months of 1958, Huntington district plants received milk from Louisville, Kentucky. During 1958, the average Class I price under the Louisville Federal order, for milk testing 3.5 percent butterfat, was \$4.36.

A handler testified that it cost him from 45 to 60 cents per hundredweight to move milk from Louisville to his plant, in Huntington, a distance of 223 miles.

During the year 1958, the Huntington average Class I price exceeded the Louisville average Class I price for milk testing 3.5 percent butterfat by 40 cents. During the months of September through December the Huntington district Class I price exceeded the Louisville Class I price by an average of 99 cents (in this connection official notice is taken of price announcements published by the market administrators in these markets).

If the rate of location adjustment applicable under this order is used as a basis for estimating transportation cost, the cost of bringing milk from Columbus to Athens (75 miles) for Class I use would have been \$4.52 in 1958. The average Class I price at Athens, Ohio, in 1958 under this order was \$4.56. Similarly the average cost of Class I milk priced under the Cincinnati order brought to Huntington, West Virginia (151 miles) would have been \$4.87. The Huntington price under this order averaged \$4.76 in 1958.

If the Class I price were increased under this order as proposed the estimated differences in cost would be \$0.33 at Athens over the cost of Columbus milk and \$0.13 at Huntington over the cost of Cincinnati milk. In view of these relationships, and the fact that milk from other Federal order markets has been drawn upon instead of milk of supply plants which had been previously serving the market, the conditions in this market do not show that any fixed increase in the price level is necessary to assure an adequate supply.

The Class I price should continue to reflect the changes in production and sales. This is done through the supply-demand adjustment in the order, which adjusts the price depending on the percentage relationship of Class I sales by handlers to receipts of milk from producers. This adjustment serves to give producers an added price incentive when the supply is short in relation to market needs and to reduce the price when supply becomes more ample.

Handlers asked that the computation of the supply-demand adjustment include not only the receipts and utilization at distributing plants, as is currently the case, but also the receipts and utilization at any supply plants. In support of the proposal to include supply plants in this computation it was pointed out that shifting of producers from distributing plants to supply plants, which at times has occurred, could result in an upward price adjustment without any actual decrease in the supply of milk available to the market.

The supply-demand price adjustment was established in the order to provide price adjustments responsive to the changing relationship of milk supplies and milk sales. The adjustment computation was based upon only those plants in the business of distributing milk in the marketing area because of the erratic nature of much of the business of the other plants which serve the market only by shipments of milk to the distributing plants. At times such supply plants may have rather variable Class I sales outside this market. Also, part of the consideration of whether or not the milk at supply plants should be included in the supply-

demand adjustment depends upon the way in which plants become qualified as supply plants under the definition of the order.

A plant is a supply plant during any month, in which it ships 25,000 pounds of milk to a fluid milk plant distributing in the marketing area, or if it ships skim milk and butterfat from which 25,000 pounds or more of Class I milk is derived. Also, a plant which so qualifies as a supply plant for at least three of the months during the October-January period may retain supply plant status during the months of February through September next following without making further shipments.

The continuance in supply plant status during the months of February through September is voluntary with the operator of the plant. The benefit to the plant of keeping such status even in the absence of any actual shipments is that the plant in this manner qualifies for sharing during these months in the utilization at distributing plants to which it shipped milk during the prior months of October through January.

The order cannot require that a plant which was a supply plant in previous months be a regulated plant under the order in subsequent months when it does not perform the function of supplying the market. Because of this consideration, it is not practical to establish a schedule of normal utilization standards which would rely on data including milk receipts and utilization at supply plants. If such a schedule of standard utilization percentages were established in the order, the discontinuance of a plant to qualify as a supply plant, and the possible subsequent re-entry from time to time of such plant as a part of the supply organization, could have an erratic effect upon the supply-demand adjustment. At the time of the hearing there was only one plant which qualified as a supply plant. For these reasons it is concluded that supply plants should not be included in the supply-demand adjustment.

The amount of seasonal change in the Class I price should be reduced. The present seasonal changes in the Class I differentials amounting to 90 cents per hundredweight from the highest to the lowest, are more than are needed in view of the improved seasonal pattern of production.

The average daily production per producer during May and June 1956 was 155 percent of the production per producer in the preceding November and December; production per producer in May and June 1957 was 142 percent of production in the preceding November and December; and production per producer in May and June 1958 was 126 percent of production in the preceding November and December.

Reduction of the seasonal change in prices will also improve price relationships with surrounding markets which have level price plans.

Exceptions were received from cooperative associations representing a majority of Tri-State producers objecting to the conclusions contained in the recommended decision on seasonal price changes. The exceptions were in agree-

ment that the reduction in the amount of seasonal change was too severe and that two levels of Class I differentials should be provided rather than three. Producers emphasized that the 90-cent seasonal change in the Class I price has contributed to the improvement of the pattern of seasonal production in the Tri-State market. They maintained that the recommended reduction of the seasonal difference from 90 to 45 cents would discourage producers' efforts to level seasonal production.

In light of producers' exceptions some lesser reduction in seasonal pricing is appropriate. Therefore, the Class I price differentials in the Athens district should be \$1.00 for March through July and \$1.67 for August through February. The differentials for the Gallipolis-Scioto, Huntington and Pikeville-Paintsville districts should be 10, 20 and 30 cents higher, respectively. The new differentials should become effective March 1, 1960, in order to provide an appropriate transition from the present to the new seasonal pattern.

The seasonal change in the Class I differentials will be 67 cents. The new differentials will result in an increase of about three-tenths of a cent in the annual average Class I price.

(b) *Price districts.* A new district to be known as the "Pikeville-Paintsville District" should be provided in the Tri-State order. This district will include the five Kentucky counties of Magoffin, Pike, Floyd, Martin, and Johnson. The Class I price to be paid by any plant defined as a Pikeville-Paintsville district plant shall be the Huntington district Class I price plus 10 cents.

The Tri-State order currently provides three districts for Class I pricing purposes. These are: the Athens district, which is the most northern of the three; the Gallipolis-Scioto district, which is the central district; and the Huntington district, which is the southern district. Plants defined as "Athens district plants" pay a Class I price based on differentials over the basic formula price. The annual average of the differentials is approximately \$1.39. The Gallipolis-Scioto district Class I differentials are 10 cents higher than for the Athens district, and those for the Huntington district are an additional 10 cents higher.

Handlers in the Huntington district proposed that the Class I price for the Athens district should be the same as for the Huntington district. They complained that the present 20 cents per hundredweight difference in price between the two districts gives an advantage to Athens handlers when they sell in the Huntington district.

One handler at Marietta, Ohio, in the Athens district is presently distributing on routes in the Huntington district. This handler testified that his sales in the Huntington district had been increasing in recent years. He also disposes of milk to a subdealer who distributes milk in some of the counties in eastern Kentucky which have been proposed to be added to the marketing area. Another handler with a plant in the Athens district also distributes milk in the Kentucky counties south of the Huntington district, and also has a dis-

tribution station in Logan, West Virginia. As has been pointed out previously in the findings and conclusions, some handlers in the Huntington district distribute milk as far south as points in Pike County, Kentucky. The distribution pattern as described for these handlers shows a tendency for milk to move southward from both the Huntington and the Athens districts. The counties in eastern Kentucky are deficit milk producing areas which depend for the most part on milk brought in from Tri-State handler plants. A large part of the sales in eastern Kentucky counties proposed to be added to the marketing area are also supplied by Bluefield order handlers. The Class I price under the Bluefield order during 1958 averaged \$4.95 for milk testing 3.5 percent, which was about 19 cents higher than the average of the Class I price under the Tri-State order for the Huntington district.

At plants in the Huntington district the percentage of reserve milk has continued to be less than at Athens district plants. In 1957 about 92 percent of producer milk at Huntington district plants was used in Class I, and the corresponding figure for Athens district plants was 81 percent. Monthly utilization figures shown for 1958 show similar differences between the two districts.

The existing price pattern for the several districts in the Tri-State area and the Bluefield marketing area encourages a movement of milk from areas where the supply is more plentiful to areas where the supply is less plentiful. It is concluded that such a system of district pricing as is now employed under the Tri-State order should be continued so as to promote the economical utilization of milk supplies. Also, there should be an additional price district composed of the counties of Martin, Magoffin, Johnson, Floyd, and Pike, Kentucky. Within these five counties principal distribution points exist at Pikeville, Paintsville and Prestonsburg, and handlers operate routes into these counties from Williamson, West Virginia. The distance from Huntington to Paintsville is about 80 miles, to Pikeville about 114 miles, and to Williamson about 83 miles. It is concluded that a price for this new district to be called the Pikeville-Paintsville district should be 10 cents higher than the price at Huntington. This system of district pricing in the marketing area will carry out an extension of the existing pattern and is necessary to an adequate supply in the new district.

The order now provides that fluid milk plants located outside the marketing area shall be Huntington, Gallipolis-Scioto or Athens district plants dependent on within which of the three districts such plants dispose of on routes at least 50 percent of their total Class I sales. Conceivably, a fluid milk plant located outside the marketing area could dispose of all of its Class I sales on routes within the Tri-State marketing area but dispose of less than 50 percent of such sales in any of the four pricing districts herein provided. A fluid milk plant located outside the marketing area should be considered a district plant for the district in which the nearest place listed

in § 972.48 is located or is adjacent to. Prices at supply plants should be established according to the district in which located or, if outside the area, in the same manner as for fluid milk plants located outside the marketing area.

(c) *Location adjustments.* Williamson, West Virginia, and Pikeville and Paintsville, Kentucky, should be added to the list of cities used as basing points in determining location differentials to handlers and producers.

Since this decision provides that the Tri-State marketing area be expanded, it is necessary that location adjustments to handlers and producers be reviewed and proper location adjustment provisions be developed to apply to plants selling in the additional area. The order provides handler and producer location adjustments at fluid milk plants and supply plants which are located outside the marketing area and 45 miles or more from the nearest of the city halls in Huntington, West Virginia; Ashland, Kentucky; and Portsmouth, Jackson, Athens, Marietta, and Gallipolis, Ohio. The adjustments are 2 cents per hundredweight for each 10 miles or major fraction thereof up to 100 miles and 1.5 cents per hundredweight for each 10 miles or major fraction thereof in excess of 100 miles.

These adjustments were provided in recognition that milk delivered directly to a plant located within the marketing area is worth more by at least the cost of transportation than is other milk to be used in the market but delivered to a plant located at a considerable distance from the market. Therefore, to maintain this principle of equitable pricing throughout the newly-defined Tri-State marketing area it is necessary to include the three named cities as basing points from which location adjustments are computed.

The cities of Pikeville, Paintsville and Williamson are the major population centers in, or, in the case of Williamson, at the edge of, the newly-defined district. Williamson, in Mingo County, West Virginia, is separated from Pike County by the Tug River. A considerable volume of the fluid milk sold in the subject four-county areas is moved to distribution points in Williamson from plants presently regulated by Federal orders, and is disposed of from these points on retail or wholesale outlets throughout the area.

3. *"Pass-back" of Class I utilization to supply plants.* No change should be made in the application of the pass-back of Class I utilization from distributing plants to supply plants from which they received milk in previous months.

A proposal was made by producer associations that fluid milk plants which receive other source milk should be required to share their Class I utilization with supply plants which stand ready to furnish a like quantity of milk. Under this proposal a fluid milk plant would be required to allocate Class I utilization to supply plants to the same extent that other source milk was used in Class I even if the supply plant shipped no milk to the fluid milk plant during the month.

The basis on which plants achieve supply plant status has been discussed with

respect to the proposals on the supply-demand adjustment. The milk transferred from supply plants to fluid milk plants may be classified according to mutual agreement between the plant operators as indicated in Section 972.34 (b), except that during the months of October through January such classification shall not result in more than 10 percent of the milk received at the fluid milk plant directly from producers being assigned to Class II and Class III. If a plant were a supply plant during three of the months of October through January, it may at its own election maintain supply plant status through the following September and thus be eligible without further shipments for sharing during the months of February through September in the Class I utilization of the fluid milk plants to which it has shipped. This is covered in the so-called "pass-back" provision under § 972.34(c). The order does not require the fluid milk plant to passback Class I utilization to the supply plant. The amount of the pass-back thus depends upon the agreement between the plant operators and the limits set forth in § 972.34(c) (1), (2) and (3).

The pass-back provision serves the purpose of allowing supply plants to participate in the market utilization on a year around basis essentially to the degree that the market depends on such plants during the months of shortest milk supply. This is an appropriate allocation of returns for milk sold in the marketing area within the basic purpose of maintaining an adequate and reliable supply.

Under the order regulation the use of other source milk by fluid milk plants is limited largely to use of milk from other Federal order markets except insofar as milk may be obtained from unregulated shipping plants which do not ship as much as the 5,000-pound limit specified in the supply plant definition. Handlers in this market have received during the past year milk from plants regulated under other Federal orders. Normally, such milk from other Federal order markets would represent a utilization of milk from producers, as defined under such other order, accounted for and paid for according to use by the handler in such market.

Under the provisions of the Agricultural Marketing Agreement Act, handlers are free to seek a source of supply wherever qualified milk is available and are not confined to any specified group of producers or particular plants. If, as under the producer proposal, fluid milk plants were required to pay supply plants whether or not they had received milk from such supply plants, this would greatly limit the freedom of operations of fluid milk plants to obtain milk from whatever sources they may choose. Another effect of the producer proposal would be a kind of market-wide pooling of all handlers' utilization for the benefit of supply plants without, however, any pooling of utilization among fluid milk distributing plants. If there is a need in this market for a market-wide pool including supply plants on a reserve basis, this need and order provisions for implementing such a pooling operation were not developed on the record.

It is questionable whether any kind of compulsory provision for pass-back of utilization to supply plants in months in which they do not ship to the market would result in any greater returns to producers at supply plants than is now the case. It may be expected that operators of fluid milk plants would be willing to give as much pass-back under the present voluntary arrangement as they would under a required pass-back. Included in the considerations which might affect the possible gain to supply plants under the required pass-back are the questions of whether handlers would continue to obtain milk from plants which have served as supply plants and the amount of handling charges which may be obtained by supply plants.

It is concluded that any form of requirement of pass-back of utilization to supply plants would not be in the interest of assuring an adequate supply for the market at prices representing supply and demand conditions nor is it needed to assure orderly marketing conditions.

4. *Payments to dairy farmers from whom handlers have discontinued receiving milk.* No requirement should be provided in the order that handlers make payments to dairy farmers from whom they have discontinued receiving milk and who the handlers are not carrying on their payroll as diverted producers.

A proposal was made by a producer association that when a handler changes his milk-receiving operations from can to bulk tank receipts he should be required to retain can-shipping producers on his payroll until the following first day of August. This proposal was made because during the past year the decision on the part of several handlers to discontinue receiving milk in cans has required a number of farmers who continue to deliver their milk in cans to shift their deliveries to other handlers or find other markets. Under the producer proposal, a handler would be required to pay such can shippers the difference between the handler's uniform price and the price received by the farmer at a manufacturing plant.

Such changes as have been made in handler receiving methods during the past year have not resulted in a substantial loss of milk supply to the market. To a large extent the can-shipping farmers have shifted to other plants serving the market. The testimony of proponents did not show that the proposed requirement upon handlers is needed to assure an adequate supply of milk nor does any of the evidence in the record so indicate. As presented, the proposal would require handlers to pay out not only the total use value of the milk they handle to the producers from whom they receive milk but also to pay additional sums of money to the dissociated can-shipping farmers. This would be inconsistent with the requirement of the Agricultural Marketing Agreement Act that handlers pay according to the use value of the milk they receive from producers. Even if the proposal were modified so that the use value of the milk received by the handler was prorated among the farmers from whom he receives milk and the dissoci-

ated can shippers, the need for such a proration to assure an adequate and regular supply of milk for the market was not shown.

5. *Provisions for more than one accounting period within a month.* Handlers should be allowed to use accounting periods of less than a month after proper notification to the market administrator.

Handlers requested that accounting periods of less than a month be permitted. The purpose of this proposal was to allow allocation of milk from non-producer sources to Class I when producer milk becomes short within periods of less than a month. If handlers were allowed to use accounting periods of less than a month, producer milk could then be allocated according to its availability within such accounting period.

Under present monthly accounting, if a handler's receipts of producer milk are adequate at the beginning of a month but near the end of the month are less than Class I sales, then the excess of producer milk at the beginning of the month would be at least partially allocated to Class I sales in the latter part of the month.

The monthly accounting system has become the usual standard under Federal milk order regulation and is generally accepted as the most practical method of applying the provisions of the Act which requires milk to be classified "in accordance with the form in which or the purpose for which it is used * * *". There are administrative limitations involved in accounting for specific "lots" of milk according to physical disposition; and allocation provisions such as those provided in the order are necessary to distinguish producer milk and other source milk for classification purposes. This distinction eliminates the impossible administrative task of ascertaining the particular use of each hundredweight of milk from each source and makes possible a practical accounting system. The extent to which producer milk may be given priority allocation of higher-valued uses has been established as the prerogative of the Secretary in formulating provisions which will provide reasonable protection against substitution of unregulated milk for producer milk and thus promote orderly marketing. In any event, the handler is not compelled to pay producers for any greater utilization of milk than he actually uses in the particular class.

During 1958, Class I sales as a percent of producer receipts ranged from a high of about 104 percent in December to a low of approximately 74 percent in June. Total Class I sales during this period were approximately 88 percent of total producer receipts. (Official notice is taken of data published by the market administrator relative to receipts and sales for November and December 1958). In view of the relatively narrow margin which exists in some months between production and sales, the probability of shortages of producer milk during periods of less than a month is more likely than in markets with larger reserves. The additional flexibility in procurement, which would be allowed to handlers under this proposal, could be of benefit in

assuring an adequate supply for the market at all times.

It is not likely all handlers in the market will exercise, at the same time, the use of accounting periods of less than a month. This consideration bears in the cost of administering the order and the sharing of the burden of the cost among handlers. While the net obligation of handlers will continue to be computed on a monthly basis, the division of a month into more than one accounting period requires proof of receipts, sales, inventories, and shrinkage for each period. It is apparent that the administrative costs involved in verifying handlers' reports and dealing with the additional administrative problems would be increased, and that these increased costs would be directly associated with operations of the handler who elected the shorter accounting period. For these reasons there would not be an equitable sharing of the administrative costs among handlers unless the additional expenses involved were placed upon the handler responsible. There is not now any experience in this market by which to measure precisely how much additional expense would be incurred. It is possible that the administrative costs in verifying a handler's operations for a shorter accounting period would be about the same as for a monthly period. Accordingly, handlers electing to use more than one accounting period within a month should pay for administrative expenses at a rate calculated by multiplying the monthly rate by the number of accounting periods in the month. It is provided in the attached proposed amendment, however, that the amount could be reduced if actual cost proves to be less than the specified rate.

In order to facilitate the administration of the order, each handler who elects to use more than one accounting period within a month should so notify the market administrator in writing at least 24 hours before the end of each accounting period.

6. *Equivalent price provision.* From time to time, price quotations specified in the order as factors in establishing order prices may become unavailable. This may happen without notice and at a time when it is not possible to remedy the matter by amendment action. The order should provide that when a price quotation specified in the order is not available, the Secretary may determine an equivalent price to be used.

The emergency price provision (§ 972.45) of the order is obsolete and should be deleted.

7. *Conforming, clarifying and administrative changes.* The order should contain specific language that nonfat solids used during the month be accounted for at the weight of skim milk used to produce such solids, including all the water originally associated with such solids.

In some areas to be added to the marketing area, plants regulated under another order have regular outlets for Class I disposition. There is no apparent need for changing the effective regulation for such plants. Generally, it will be most appropriate to regulate each plant under the order regulating the marketing area where the plant distrib-

utes more milk than it does in any other federally regulated marketing area. In case there may need to be exceptions to such a rule, the order should also provide that the Secretary may determine in each instance whether this rule should apply or a different determination should be made.

Other changes in order provisions intended to improve the clarity and specificity of the language and to facilitate administration thereof, are deferred for another decision on this record. These changes include definitions, accounting for inventory, consolidation of provisions in briefer form where possible, elimination of obsolete provisions, and such other changes in order language as will tend to clarify or make more specific certain provisions without extending the effect of the regulation. Also, with respect to definition of "fluid milk plant" and "supply plant" there is reserved for a further decision the question of whether such definitions should include facilities within the same building not qualified for handling milk for fluid consumption, and if such changes are made in plant definition, what conforming change is needed in the producer definition or other provisions. Consideration may be given also as to different allocation of milk from plants regulated under other orders.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions and the evidence in the records were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, in-

sure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing agreement regulating the handling of milk in the Tri-State marketing area", and "Order amending the order regulating the handling of milk in the Tri-State marketing area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered. That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Referendum order; determination of representative period; and designation of referendum agent. It is hereby directed that a referendum be conducted to determine whether the issuance of the attached order amending the order regulating the handling of milk in the Tri-State marketing area, is approved or favored by the producers, as defined under the terms of the order, as hereby proposed to be amended, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

The month of January 1959 is hereby determined to be the representative period for the conduct of such referendum.

Robert W. Sechrist is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders, as published in the FEDERAL REGISTER on August 10, 1950 (15 F.R. 5177), such referendum to be completed on or before the 15th day from the date this decision is issued.

Issued at Washington, D.C., this 10th day of April, 1959.

[SEAL]

CLARENCE L. MILLER,
Assistant Secretary.

Order¹ Amending the Order Regulating the Handling of Milk in the Tri-State Marketing Area

§ 972.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) **Findings upon the basis of the hearing record.** Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Tri-State marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such amount not to exceed 4 cents per hundredweight as the Secretary may prescribe, with respect to butterfat and skim milk pursuant to § 972.71.

¹ This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Tri-State marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete § 972.5 and substitute the following:

§ 972.5 Tri-State marketing area.

"Tri-State marketing area" (hereinafter called the marketing area) means all that territory in the States of Ohio, West Virginia, and Kentucky, lying within the districts described in paragraphs (a), (b), (c) and (d) of this section, including all incorporated municipalities, military reservations, facilities, and installation, and State institutions wholly or partially within the defined districts.

(a) "Pikeville-Paintsville district" of the marketing area means the territory within the counties of Martin, Magoffin, Floyd, Johnson, and Pike, all in Kentucky.

(b) "Huntington district" of the marketing area means the territory within the counties of Boyd, Greenup, and Lawrence, in Kentucky; Lawrence County in Ohio; and the counties of Cabell and Wayne, in West Virginia.

(c) "Gallipolis-Scioto district" of the marketing area means the territory within the counties of Gallia, Meigs, Scioto, and Jackson, in Ohio; the townships of Beaver, Camp Creek, Jackson, Marion, Newton, Pee Pee, Scioto, Seal, and Union in Pike County, Ohio; Mason County in West Virginia; and Magisterial Districts 2, 3 and 8 in Lewis County, Kentucky.

(d) "Athens district" of the marketing area means the territory within Athens County, Ohio; the townships of Belpre, Marietta, Muskingum, Adams, and Waterford, in Washington County, Ohio; and Lubeck, Parkersburg, Tygart, and Williams Magisterial Districts in Wood County, West Virginia.

2. Delete §§ 972.9, 972.10, and 972.11 and substitute the following:

§ 972.9 District designation of fluid milk plants in the marketing area.

A fluid milk plant in the marketing area is a "Pikeville-Paintsville district plant", a "Huntington district plant", a "Gallipolis-Scioto district plant" or an "Athens district plant" depending on whether it is located in the Pikeville-Paintsville district, the Huntington district, the Gallipolis-Scioto district, or the Athens district, respectively.

§ 972.10 District designation of fluid milk plants outside the marketing area.

A fluid milk plant located outside the marketing area is a district plant for the district in which the nearest place listed pursuant to § 972.48 is located, or is adjacent to.

§ 972.11 District designation of supply plants.

A supply plant located in the marketing area is a district plant for the district

in which it is located, and a supply plant located outside the marketing area is a district plant for the district in which the nearest place listed pursuant to § 972.48 is located, or is adjacent to.

3a. In § 972.25 delete the language preceding paragraph (a) and substitute the following:

§ 972.25 Reports of receipts and utilization.

On or before the 5th day after the end of each month each handler, except a producer-handler, shall report to the market administrator for each of the plants with respect to which he is a handler for such month, and for each accounting period within the month, in the detail and on the forms prescribed by the market administrator as follows:

b. In § 972.25 insert a new paragraph (d) as follows:

(d) Each handler who submits reports on the basis of accounting periods of less than a month shall submit a summary report of the same information for the entire month.

4. Delete § 972.35 and substitute the following:

§ 972.35 Computation of skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and other obvious errors, the reports submitted by each handler pursuant to § 972.25 and compute the total pounds of skim milk and butterfat respectively, in Class I milk, Class II milk, and Class III milk at all of the plants of such handler: *Provided*, That the skim milk contained in any product utilized, produced, or disposed of by the handler during the month shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

5. Insert a new § 972.37 as follows:

§ 972.37 Accounting periods.

A handler may account for receipts of milk, utilization and classification of milk at his plants for periods within a month in the same manner as for a month, if he provides to the market administrator in writing not later than 24 hours prior to the end of an accounting period notification of his intention to use such accounting period.

§ 972.41 [Amendment]

6. In § 972.41 delete paragraph (a) and substitute the following:

(a) Add the following amounts for the months indicated:

	February, March, and August	April, May, June, and July	September, October, November, December, and January
Pikeville-Paintsville district plants.....	\$1.65	\$1.20	\$2.10
Huntington district plants.....	1.55	1.10	2.00
Gallipolis-Scioto district plants.....	1.45	1.00	1.90
Athens district plants.....	1.35	.90	1.80

Provided, That beginning with the month of March 1960 add the following amounts for the months indicated:

	March, April, May, June, and July	August, September, October, November, December, January, and February
Pikeville-Paintsville district plants.....	\$1.30	\$1.97
Huntington district plants.....	1.20	1.87
Gallipolis-Scioto district plants.....	1.10	1.77
Athens district plants.....	1.00	1.67

7. Delete § 972.45 and substitute the following:

§ 972.45 Use of equivalent prices.

If for any reason a price quotation required by this part for computing class prices or for any other purpose is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

8. Delete § 972.48 and substitute therefor a new § 972.48 as follows:

§ 972.48 Location adjustment credits to handlers.

The price for Class I milk at a fluid milk plant or supply plant located outside the marketing area and more than 45 miles from the nearest of the following listed places, shall be, regardless of point of sale within or outside the marketing area, the same as the price for Class I milk (§ 972.41) for the district of the marketing area in which such nearest listed place is located or is adjacent to, less a location adjustment computed as follows: 2 cents per hundredweight for each 10 miles, or major fraction thereof, up to 100 miles, and 1.5 cents per hundredweight for each 10 miles, or major fraction thereof, in excess of 100 miles, by the shortest hard-surfaced highway distance as determined by the market administrator, from such fluid milk plant to such nearest listed place:

City Hall, Huntington, W. Va.
City Hall, Ashland, Ky.
City Hall, Portsmouth, Ohio.
City Hall, Jackson, Ohio.
City Hall, Athens, Ohio.
City Hall, Marietta, Ohio.
City Hall, Gallipolis, Ohio.
City Hall, Pikeville, Ky.
City Hall, Paintsville, Ky.
City Hall, Williamson, W. Va.

9. Delete § 972.51 and substitute the following:

§ 972.51 Plants subject to other orders.

A plant which during the month disposes of less Class I milk on routes in the marketing area under this part than in a marketing area where the handling of milk is regulated under another Federal milk order and which would be subject to the price and pooling requirements pursuant to the other order if not subject to the price and pooling requirements pursuant to this part, shall be a nonfluid milk plant unless the Secretary determines it to be a fluid milk plant or supply plant pursuant to this part. Any such nonfluid milk plant shall submit

such reports as the market administrator may request with respect to milk received, and utilization and disposal thereof.

§ 972.71 [Amendment]

10. In § 972.71 change the period at the end of the section to a colon and add the following proviso: "And provided further, That if a handler uses more than one accounting period within a month, the rate of payment with respect to the quantities of milk specified in this section shall be the monthly rate multiplied by the number of accounting periods within the month or such lesser rate as the Secretary may determine is demonstrated as appropriate in terms of the particular costs of administering the additional accounting periods."

[F.R. Doc. 59-3145; Filed, Apr. 14, 1959; 8:50 a.m.]

Commodity Stabilization Service

[7 CFR Parts 723, 725]

CIGAR-FILLER TOBACCO, CIGAR-BINDER TOBACCO AND CIGAR-FILLER AND BINDER TOBACCO; BURLEY, FLUE-CURED, FIRE-CURED, DARK AIR-CURED AND VIRGINIA SUN-CURED TOBACCO

Notice of Formulation of Regulations Relating to Marketing of Tobacco, Collection of Marketing Penalties, and Records and Reports, 1959-60 Marketing Year

Notice is hereby given that pursuant to the authority contained in the applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1301, 1311-1315, 1372-1375), the Agricultural Act of 1949 (63 Stat. 1051), as amended, and the Agricultural Act of 1956 (70 Stat. 188), as amended, marketing quota regulations are being prepared governing the issuance of marketing cards for marketing and price support purposes, the identification of tobacco for purposes of marketing restrictions and price support, the collection and refund of penalties, and the records and reports incident thereto on the marketing of cigar-binder (types 51 and 52) tobacco, cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco, burley tobacco, flue-cured tobacco, fire-cured (type 21) tobacco, fire-cured (types 22, 23, 24) tobacco, dark air-cured tobacco, and Virginia sun-cured tobacco for the 1959-60 marketing year.

It is contemplated that the regulations for the 1959-60 marketing year will be substantially the same as those issued for the 1958-59 marketing year (23 F.R. 5183, cigar-binder and cigar-filler and binder; 23 F.R. 4143, 7286, burley, flue-cured, fire-cured, dark air-cured and Virginia sun-cured) except for changes set forth herein.

The changes being considered in the regulations are as follows:

1. Sections 723.941 and 725.941, *Successors in interest* would be amended to read as follows:

Successors in interest. Any person who succeeds, other than as a dealer, in whole or in part to the share of a producer in the tobacco available for marketing from a farm shall, to the extent of such succession, have the same rights as the producer to the use of the marketing card for the farm.

2. (a) In § 725.931, the term "floor sweepings" in paragraph (j) would be eliminated and in paragraph (p) the definitions "Pick-ups", including "Pick-ups (a)" and "Pick-ups (b)" would be eliminated.

(b) In paragraph (k), a new definition would be given to the term therein to read:

"Leaf account tobacco" means all tobacco purchased by or for the account of the warehouse including tobacco which accumulates on the warehouse floor which is gathered up by the warehouseman for sale, and resales of such tobacco including tobacco from buyer corrections account. "Leaf account" shall include the records required to be kept and copies of the reports required to be made under §§ 725.930 to 725.962 relating to leaf account tobacco.

(c) A new definition would be added to read as follows:

"Warehouse gross sales" means the sum of the weights of all marketings of tobacco at auction on a warehouse floor for producers, dealers and the warehouseman.

3. A new definition would be added in § 725.931 to read as follows:

"Buyer corrections account" means the account to be kept by the warehouseman of any tobacco previously purchased at auction but not delivered to the buyer or returned by the buyer because of rejection by the buyer, lost ticket, or any other reason, and which is not turned back to a dealer other than the warehouseman. Buyer corrections account shall also include errors and corrections or longs and shorts which buyers credit and charge to the warehouse. Each entry in the account for buyer corrections account shall reflect both pounds and amount. Section 725.953 *Warehouseman's records and reports*, would be changed to give effect to this paragraph.

4. In § 725.949 *Marketings deemed to be excess tobacco*, paragraph (c) would be changed to read as follows:

(c) *Leaf account tobacco.* The part or all of any marketing by a warehouseman which such warehouseman represents to be a leaf account resale but which when added to prior leaf account resales, as reported under §§ 725.930 to 725.962, is in excess of prior leaf account tobacco by a poundage greater than the number of pounds resulting from multiplying two-tenths of one percent times the warehouse gross sales shall be deemed to be a marketing of excess tobacco. The penalty thereon shall be paid by the warehouseman.

5. The paragraphs under §§ 725.953(f) and 725.954(d) relating to submission of reports on MQ-79—Tobacco to the ASC

State office would be changed as indicated below:

These provisions which now require dealers (or warehousemen) of tobacco other than dealers (or warehousemen) of flue-cured tobacco to forward reports on MQ-79, Dealer's Record, to the ASC State office not later than the end of the calendar week following the week in which such tobacco was purchased or resold would be changed to agree with the reporting time applicable to flue-cured tobacco by providing that reports shall be made not later than the end of the week in which tobacco is purchased or resold.

6. The provision contained in § 725.953 (i) requiring warehousemen to make a weekly report to the ASC State office on MQ-81—Tobacco, Report of Penalties, showing for each sale of tobacco subject to penalty the amount of penalty together with remittance of the penalty due would be changed to a one-time report for auction warehousemen to be made not later than thirty days following the last sale day of the season.

7. The provision contained in § 725.954 (f) requiring dealers to make a weekly report to the ASC State office on MQ-81—Tobacco, Report of Penalties, showing for each purchase, other than by warehouse sale, of tobacco subject to penalty together with remittance of the penalty due would be changed by eliminating Form MQ-81—Tobacco, Report of Penalties, with respect to dealers, and in lieu thereof, change MQ-79—Dealer's Record, to serve such additional purpose.

All persons who desire to submit written data, views and recommendations in connection with the above proposals, or wish to suggest other changes in the present regulations, should file the same with the Director, Tobacco Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D.C., within ten days after the date of the publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C., this 9th day of April 1959.

[SEAL] WALTER C. BERGER,
Administrator.
Commodity Stabilization Service.

[F.R. Doc. 59-3128; Filed, Apr. 14, 1959; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 9]

COLOR CERTIFICATION

Notice of Proposal To Amend Regulations by Deleting Certain Coal-Tar Colors Subject to Certification

In the matter of amending the color-certification regulations with respect to D&C Orange No. 5, D&C Orange No. 6, D&C Orange No. 7, D&C Orange No. 17, D&C Red No. 8, D&C Red No. 9, D&C Red No. 10, D&C Red No. 11, D&C Red No. 12,

PROPOSED RULE MAKING

D&C Red No. 13, D&C Red No. 19, D&C Red No. 20, D&C Red No. 33, D&C Red No. 37, D&C Yellow No. 7, D&C Yellow No. 8, and D&C Yellow No. 9:

Notice is hereby given that, pursuant to the authority of the Federal Food, Drug, and Cosmetic Act (sec. 701(e), 52 Stat. 1055, as amended 70 Stat. 919; 21 U.S.C. 371(e)) and delegated to him by the Secretary of Health, Education, and Welfare (22 F.R. 1045; 23 F.R. 9500), the Commissioner of Food and Drugs, on his own initiative, proposes to amend the color-certification regulations (21 CFR 9.4, 9.5 (23 F.R. 9875; 24 F.R. 883)) by removing D&C Orange No. 5, D&C Orange No. 6, D&C Orange No. 7, D&C Orange No. 17, D&C Red No. 8, D&C Red No. 9, D&C Red No. 10, D&C Red No. 11, D&C Red No. 12, D&C Red No. 13, D&C Red No. 19, D&C Red No. 20, D&C Red No. 33, D&C Red No. 37, D&C Yellow No. 7, D&C Yellow No. 8, and D&C Yellow No. 9, from the list of colors certifiable for use in drugs and cosmetics and relisting some of them for certification for use in externally applied drugs and cosmetics. Upon consideration of the results of recent tests and experiments, the Food and Drug Administration believes that these colors are not harmless colors within the meaning of sections 504 and 604 of the Federal Food, Drug, and Cosmetic Act for other than external application.

No batch of D&C Orange No. 6, D&C Orange No. 7, D&C Red No. 20, or D&C Yellow No. 9 has ever been offered for certification. It appears, therefore, that no useful purpose would be served by relisting the four colors named above for certification for use in externally applied drugs and cosmetics.

The amendments proposed by the Commissioner of Food and Drugs are as follows:

1. It is proposed to delete from § 9.4(a) the following straight colors and the specifications for their certification:

D&C Orange No. 5.
D&C Orange No. 6.
D&C Orange No. 7.
D&C Orange No. 17.
D&C Red No. 8.
D&C Red No. 9.
D&C Red No. 10.
D&C Red No. 11.
D&C Red No. 12.
D&C Red No. 13.
D&C Red No. 19.
D&C Red No. 20.
D&C Red No. 33.
D&C Red No. 37.
D&C Yellow No. 7.
D&C Yellow No. 8.
D&C Yellow No. 9.

2. It is proposed to add to § 9.5(a) the following:

EXT D&C ORANGE NO. 5

SPECIFICATIONS

4,5-Dibromo-3,6-fluorandiol.
Volatile matter (at 135° C.), not more than 5.0 percent.
Insoluble matter (alkaline solution), not more than 1.0 percent.
Ether extracts (from alkaline solution), not more than 0.5 percent.
Sodium chloride, not more than 3.0 percent.
Mixed oxides, not more than 1.0 percent.
Free bromine, not more than 0.02 percent.
Permitted range of organically combined bromine in pure dye, 31.0-35.0 percent.

Pure dye (as determined gravimetrically), not less than 90.0 percent.

EXT D&C ORANGE NO. 6

SPECIFICATIONS

1-(2,4-Dinitrophenylazo)-2-naphthol.
Volatile matter (at 135° C.), not more than 5.0 percent.
Sulfated ash, not more than 1.0 percent.
Matter insoluble in toluene, not more than 1.5 percent.
2,4-Dinitroaniline, not more than 0.2 percent.
 β -Naphthol, not more than 0.2 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 90.0 percent.

EXT D&C RED NO. 15

SPECIFICATIONS

Monosodium salt of 1-(4-chloro-o-sulfo-5-tolylazo)-2-naphthol.
Volatile matter (at 135° C.), not more than 10.0 percent.
Ether extracts (isopropyl ether), not more than 0.5 percent.
Lake Red C Amine, not more than 0.2 percent.
 β -Naphthol, not more than 0.2 percent.
Chlorides and sulfates of sodium, not more than 5.0 percent.
Mixed oxides, not more than 1.0 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 85.0 percent.

EXT D&C RED NO. 16

SPECIFICATIONS

Barium salt of 1-(4-chloro-o-sulfo-5-tolylazo)-2-naphthol.
Volatile matter (at 135° C.), not more than 5.0 percent.
Ether extracts (isopropyl ether), not more than 0.5 percent.
Lake Red C Amine, not more than 0.2 percent.
 β -Naphthol, not more than 0.2 percent.
Chlorides and sulfates of sodium, not more than 6.0 percent.
Oxides of iron and aluminum, not more than 1.0 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 87.0 percent.

EXT D&C RED NO. 17

SPECIFICATIONS

Monosodium salt of 2-(2-hydroxy-1-naphthylazo)-1-naphthalene-sulfonic acid.
Volatile matter (at 135° C.), not more than 5.0 percent.
Ether extracts (isopropyl ether), not more than 0.5 percent.
Tobias acid, not more than 0.2 percent.
 β -Naphthol, not more than 0.2 percent.
Chlorides and sulfates of sodium, not more than 5.0 percent.
Mixed oxides, not more than 1.0 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 90.0 percent.

EXT D&C RED NO. 18

SPECIFICATIONS

Calcium salt of 2-(2-hydroxy-1-naphthylazo)-1-naphthalene-sulfonic acid.
Volatile matter (at 135° C.), not more than 5.0 percent.
Ether extracts (isopropyl ether), not more than 0.5 percent.
Tobias acid, not more than 0.2 percent.
 β -Naphthol, not more than 0.2 percent.
Chlorides and sulfates (as calcium salts), not more than 5.0 percent.
Oxides of iron and aluminum, not more than 1.0 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 90.0 percent.

EXT D&C RED NO. 19

SPECIFICATIONS

Barium salt of 2-(2-hydroxy-1-naphthylazo)-1-naphthalene-sulfonic acid.
Volatile matter (at 135° C.), not more than 5.0 percent.
Ether extracts (isopropyl ether), not more than 0.5 percent.
Tobias acid, not more than 0.2 percent.
 β -Naphthol, not more than 0.2 percent.
Chlorides and sulfates of sodium, not more than 5.0 percent.
Oxides of iron and aluminum, not more than 1.0 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 90.0 percent.

EXT D&C RED NO. 20

SPECIFICATIONS

Strontium salt of 2-(2-hydroxy-1-naphthylazo)-1-naphthalene-sulfonic acid.
Volatile matter (at 135° C.), not more than 5.0 percent.
Ether extracts (isopropyl ether), not more than 0.5 percent.
Tobias acid, not more than 0.2 percent.
 β -Naphthol, not more than 0.2 percent.
Chlorides and sulfates (as sodium salts), not more than 5.0 percent.
Oxides of iron and aluminum, not more than 1.0 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 90.0 percent.

EXT D&C RED NO. 21

SPECIFICATIONS

3-Ethochloride of 9-o-carboxyphenyl-6-diethylamino-3-ethylimino-3-isoxanthene.
Volatile matter (at 135° C.), not more than 5.0 percent.
Water-insoluble matter, not more than 1.0 percent.
Ether extracts (from acid solution), not more than 0.5 percent.
Diethyl-m-aminophenol, not more than 0.2 percent.
Chlorides and sulfates of sodium, not more than 2.0 percent.
Mixed oxides, not more than 1.0 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 92.0 percent.

EXT D&C RED NO. 22

SPECIFICATIONS

3-Ethostearate of 9-o-carboxyphenyl-6-diethylamino-3-ethylimino-3-isoxanthene.
Volatile matter (at 80° C.), not more than 2.0 percent.
Sulfated ash, not more than 3.0 percent.
Matter, insoluble in benzene, not more than 0.5 percent.
Diethyl-m-aminophenol, not more than 0.2 percent.
Stearic acid (not part of the dye), not more than 50.0 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 50.0 percent.

EXT D&C RED NO. 23

SPECIFICATIONS

Disodium salt of 8-amino-2-phenylazo-1-naphthol-3,6-disulfonic acid.
Volatile matter (at 135° C.), not more than 6.0 percent.
Water-insoluble matter, not more than 1.0 percent.
Ether extracts, not more than 0.5 percent.
Aniline, not more than 0.2 percent.
Chlorides and sulfates of sodium, not more than 10.0 percent.
Mixed oxides, not more than 1.0 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 82.0 percent.

EXT D&C YELLOW No. 11

SPECIFICATIONS

3,6-Fluorandiol.
Volatile matter (at 135° C.), not more than 2.0 percent.
Insoluble matter (alkaline solution), not more than 1.0 percent.
Ether extracts (from alkaline solution), not more than 0.5 percent.
Chlorides and sulfates of sodium, not more than 2.0 percent.
Mixed oxides, not more than 1.0 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 96.0 percent.

EXT D&C YELLOW No. 12

SPECIFICATIONS

Disodium salt of 9-o-carboxyphenyl-6-hydroxy-3-isoxanthone.
Volatile matter (at 135° C.), not more than 10.0 percent.
Water-insoluble matter, not more than 1.0 percent.
Ether extracts, not more than 0.5 percent.
Chlorides and sulfates of sodium, not more than 8.0 percent.
Mixed oxides, not more than 1.0 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 82.0 percent.

All interested persons are invited to present their views in writing regarding the proposals published herein. Views

and comments should be submitted in quintuplicate addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., prior to the thirtieth day following the date of publication of this notice in the FEDERAL REGISTER.

Dated: April 7, 1959.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of
Food and Drugs.

[F.R. Doc. 59-3067; Filed, Apr. 14, 1959; 8:45 a.m.]

[21 CFR Part 9]

COLOR CERTIFICATION

Limitations of Certificates; Proposal To Amend Certification Requirements

The Commissioner of Food and Drugs, on his own initiative, and pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371) and under the authority delegated to him by the Secretary of Health, Education, and

Welfare (22 F.R. 1045; 23 F.R. 9500) proposes to amend the color-certification regulations (21 CFR 9.10) by adding thereto a new paragraph (j), reading as follows:

§ 9.10 Limitations of certificates.

(j) When the listing and specifications for coal-tar color are revoked or amended, all certificates for batches of such a color theretofore issued under such revoked or amended regulations shall cease to be effective and the color shall be regarded as uncertified.

All interested persons are invited to present their views or comments in writing regarding the proposal published herein. Views and comments should be submitted in quintuplicate, addressed to the Hearing Clerk, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington 25, D.C., prior to the thirtieth day following the date of publication of this notice in the FEDERAL REGISTER.

Dated: April 7, 1959.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner
of Food and Drugs.

[F.R. Doc. 59-3068; Filed, Apr. 14, 1959; 8:45 a.m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial Nos. Idaho 09894, 010079]

IDAHO

Order Providing for Opening of Public Lands

APRIL 7, 1959.

In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1272), as amended, the following described lands have been reconveyed to the United States:

BOISE MERIDIAN, IDAHO

PARCEL NO. 1—580 ACRES

T. 1 S., R. 18 E.,
Sec. 30, SE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$.
T. 7 S., R. 22 E.,
Sec. 13, W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$,
NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$.
T. 7 S., R. 23 E.,
Sec. 7, S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$.

PARCEL NO. 2—406.48 ACRES

T. 7 S., R. 23 E.,
Sec. 4, Lots 1, 2, 4, S $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 5, Lot 1, S $\frac{1}{2}$ NE $\frac{1}{4}$;
Sec. 7, Lots 2, 3, N $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$.

PARCEL NO. 3—320 ACRES

T. 11 N., R. 26 E.,
Sec. 5, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 6, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 7, NE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 8, NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$.

The areas described totals 1306.48 acres of public lands.

The land in Parcel No. 1 in T. 1 S., R. 18 E., B.M., is located about 25 miles north of Shoshone, Idaho, in Blaine County. The elevation is about 5,200 feet. The precipitation is about 12 inches annually. The topography is rough and mountainous. The vegetative cover consists of sagebrush with a scant understory of bluebunch wheatgrass and cheatgrass. The land is typical of grazing land in southern Idaho. The land in Parcel No. 1 in T. 7 S., R. 22 and 23 E., B.M., is located about 15 miles north of Paul, Idaho, in Lincoln County. The elevation is about 4,300 feet. The precipitation is about 9 inches annually. The topography varies from nearly level to undulating. The vegetation consists of a heavy stand of sagebrush with some cheatgrass, mustard and Sandberg bluegrass. The land is typical of grazing land in southern Idaho, and would be suitable for agriculture if water were developed for its irrigation.

The land in Parcel No. 2 is located 15 to 17 miles north of Paul, Idaho, in Lincoln County, and is similar to the land in T. 7 S., R. 22 and 23 E., B.M., in Parcel No. 1.

The land in Parcel No. 3 is located about 46 miles northwesterly from Howe, Idaho, in Custer County. The elevation is 7,000 feet. The vegetation is mainly sagebrush, rabbitbrush, bunchgrass and other native grasses. The soil is fine sandy loam with some gravel. The surface is gently to severely undulating.

All the minerals and oil and gas rights in Parcel No. 1 were reserved to the grantor and are not opened to filing of

applications and offers under the Mineral Leasing Act or to entry under the General Mining Laws by this order.

No application for these lands will be allowed under the homestead, desert land, small tract, or any other nonmineral public land law, unless the lands have already been classified as valuable, or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

Subject to any existing valid rights and the requirements of applicable law, the lands described in paragraph 2 hereof, are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be sub-

ject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U.S.C. 279-284, as amended), presented prior to 10:00 a.m. on May 13, 1959, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a.m. on August 12, 1959, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs (1) and (2) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a.m. on August 12, 1959, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands will be open to location under the United States mining laws, beginning 10:00 a.m. on August 12, 1959.

Persons claiming veteran's preference rights under Paragraph a(2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, P.O. Box 2237, Boise, Idaho:

J. R. PENNY,
State Supervisor.

[F.R. Doc. 59-3123; Filed, Apr. 14, 1959; 8:47 a.m.]

ALASKA

Notice of Proposed Withdrawal and Reservation of Land, Amended

APRIL 7, 1959.

Notice of the proposed withdrawal and reservation of land for the Bureau of Indian Affairs in the Anchorage Land District, Alaska, was published in the FEDERAL REGISTER on February 27, 1959, Volume 24, Number 40 on Page 1475 and 1476; and as amended on March 26, 1959, Volume 24, Number 59, Page 7372.

The amended notice erroneously specified the Bureau of Land Management as the applicant for the withdrawal. Correction is hereby made to designate the Bureau of Indian Affairs as

being the applicant for the request serialized as Anchorage 044128.

L. T. MAIN,
Operations Supervisor,
Anchorage.

[F.R. Doc. 59-3124; Filed, Apr. 14, 1959; 8:47 a.m.]

[Classification 563]

CALIFORNIA

Small Tract Classification; Amendment

APRIL 7, 1959.

In Federal Register Document 59-2756, appearing on page 2564 of the Issue for April 2, 1959, the following change should be made:

The heading should read: Small Tract Classification: Partial Revocation and Order Providing for Opening of Public Lands.

ROLLA E. CHANDLER,
Officer in Charge, Southern
Field Group, Los Angeles,
California.

[F.R. Doc. 59-3143; Filed, Apr. 14, 1959; 8:49 a.m.]

Bureau of Mines

[Health and Safety Activity Instructions]

CERTAIN OFFICIALS

Redelegations of Authority To Enter Into Contracts

The following new subparagraph is added to subparagraph 205.2.4A, Health and Safety Activity Instructions, Bureau of Mines Manual:

(3) *Coal fire control contracts.* The following officials may enter into contracts not to exceed \$100,000 in any one contract, for the control and extinguishment of outcrop and underground fires in coal formations as authorized by Public Law 738 (68 Stat. 1009): District Health and Safety Supervisor, District H Supervising Coal Mine Fire Control Engineer (Pittsburgh): *Provided*, That the limitation shall be \$50,000 for any one contract.

Dated: April 8, 1959.

JAMES WESTFIELD,
Assistant Director,
Health and Safety.

[F.R. Doc. 59-3125; Filed, Apr. 14, 1959; 8:47 a.m.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

BONDS AND COUPONS OF THE HOME OWNERS' LOAN CORPORATION

Notice of Change in Place for Payment

Pursuant to the authority vested in me, as Secretary of the Treasury, under the terms of the bonds issued by the Home

Owners' Loan Corporation with the approval of the Secretary of the Treasury under the authority of the Home Owners' Loan Act of 1933 (48 Stat. 128; U.S.C., Title 12, section 1461 et seq.), as amended, whereby the principal and interest on such bonds shall be payable when due at the Treasury Department, Washington, D.C., or any Government agency or agencies in the United States which the Secretary of the Treasury may from time to time designate for the purpose, notice is hereby given that:

On and after April 15, 1959, any bonds issued by the Home Owners' Loan Corporation, all of which have matured or have been called for payment, and any matured interest coupon issued with such bonds will be paid on presentation to any Federal Reserve Bank or to the Treasury Department, Washington, D.C. The notice heretofore dated February 25, 1954, providing that payment of such bonds and coupons would be made only on presentation to the Treasury Department, Washington, D.C., is hereby canceled.

[SEAL] JULIAN B. BAIRD,
Acting Secretary of the Treasury.

MARCH 31, 1959.

[F.R. Doc. 59-3142; Filed, Apr. 14, 1959; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

MEMBER LINES OF PACIFIC STRAITS CONFERENCE ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act of 1916 (39 Stat. 733, 46 U.S.C. 814):

(1) Agreement No. 5680-F, between the member lines of the Pacific Straits Conference and Peninsular & Oriental Steam Navigation Company, provides for the admission of that company to associate membership in said conference. As an associate member, Peninsula & Oriental will be obligated to abide by all the rates, rules, regulations and decisions of the conference; will be permitted to participate in conference contracts with shippers; but will have no vote on conference affairs.

(2) Agreement No. 8369, between Consolidated Freightways, Inc., and Hawaiian Marine Freightways, Inc., covers an arrangement for the transportation of cargo in van-type containers between West Coast ports and Hawaii, upon terms and conditions as set forth in the agreement.

(3) Agreement No. 8372, between A. Kirsten, Sartori & Berger and Ahrenkiel & Bene, covers the establishment and maintenance of a sailing arrangement under the trade name "Hamburg Chicago Line", in the trade between U.S. Great Lakes ports and ports enroute, on the one hand, and ports on the Continent of Europe (Bordeaux/Hamburg

Range), on the other hand, and in the trade between any two said ports which are in the Western Hemisphere (not including transportation within the purview of the coastwise laws of the United States).

(4) Agreement No. 8470, between John F. Ivory Storage Co., Inc., Rocky Ford Moving Vans, Global Van Lines, Inc., Aero Mayflower Transit Company, Inc., et al. (common carriers by motor which also operate as common carriers by water as defined in section 1 of the Shipping Act, 1916), provides for the creation of the International Household Goods Rate Agreement, for the establishment and maintenance of agreed rates, charges, rules and regulations applicable to the transportation of household goods between ports of the United States and ports in the United Kingdom, France, Republic of Germany, Spain, Italy, Denmark, Norway, Japan, Okinawa, Formosa, Republic of the Philippines and Central America.

(5) Agreement No. 8480, between John F. Ivory Storage Co., Inc., Rocky Ford Moving Vans, Global Van Lines, Inc., Aero Mayflower Transit Company, Inc., et al. (common carriers by motor which also operate as common carriers by water as defined in section 1 of the Shipping Act, 1916), provides for the creation of the United States-Hawaii/Puerto Rico/Guam Household Goods Rate Agreement, for the establishment and maintenance of agreed rates, charges, rules and regulations applicable to the transportation of household goods between ports of the United States and ports in Hawaii, Puerto Rico and Guam.

(6) Agreement No. 8490, between John F. Ivory Storage Co., Inc., Rocky Ford Moving Vans, Global Van Lines, Inc., Aero Mayflower Transit Company, Inc., et al. (common carriers by motor which also operate as common carriers by water as defined in section 1 of the Shipping Act, 1916), provides for the creation of the United States-Alaska Household Goods Rate Agreement, for the establishment and maintenance of agreed rates, charges, rules and regulations applicable to the transportation of household goods between ports in the United States and ports in Alaska.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of these agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: April 10, 1959.

By order of the Federal Maritime Board.

[SEAL] JAMES L. PIMPER,
Secretary.

[F.R. Doc. 59-3139; Filed, Apr. 14, 1959;
8:48 a.m.]

No. 73—4

MEMBER LINES OF TRANS-PACIFIC FREIGHT CONFERENCE OF JAPAN ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

(1) Agreement No. 150-14, between the member lines of the Trans-Pacific Freight Conference of Japan, modifies the basic agreement of that conference (No. 150, as amended), which covers the trade from Japan, Korea and Okinawa to Pacific Coast ports of the United States and Canada. The purpose of the modification is to clarify the provision of the conference agreement with respect to voting by telephone.

(2) Agreement No. 3103-13, between the member lines of the Japan-Atlantic and Gulf Freight Conference, modifies the basic agreement of that conference (No. 3103, as amended), which covers the trade from Japan, Korea and Okinawa to United States Gulf ports and Atlantic Coast ports of North America. The purpose of the modification is to clarify the provision of the conference agreement with respect to voting by telephone.

(3) Agreement No. 6200-5, between the member lines of the U.S. Atlantic and Gulf/Australia-New Zealand Conference, modifies the basic agreement of that conference (No. 6200, as amended), which covers the trade from U.S. Atlantic and Gulf ports to ports in Australia, New Zealand and various South Sea Islands adjacent thereto. The purpose of the modification is to include the trade from U.S. Atlantic and Gulf ports to the Society Islands, Admiralty Islands and Bismarck Archipelago within the scope of the conference.

(4) Agreement No. 8250-4, between the member lines of the American Great Lakes-Mediterranean Eastbound Conference, modifies the basic agreement of that conference (No. 8250, as amended), which covers the trade from United States ports of the Great Lakes to Iberian Peninsular ports, North African ports, and all ports served on the Mediterranean Sea from Gibraltar to Port Said, including Marmara and Black Sea ports, and from Casablanca to Port Said, direct or via transshipment. The purpose of the modification is to provide (1) that the conference shall relinquish control over the booking and transportation of all commodities on which the rates have been declared "open"; (2) that an agent of a member line may perform husbanding services for tramp vessels carrying full unpacked homogeneous cargoes in bulk, provided the agent is in no way connected with the fixing of the vessel, control of the cargo, or is in any manner otherwise interested in the vessel or cargo; and (3) for clarification of the provision of the conference agreement with respect to requirement of the members to adhere strictly to the rates, terms and conditions of the conference

agreement in connection with the transportation of cargo within the scope of the conference.

(5) Agreement No. 8260-4, between the member lines of the Mediterranean-U.S.A. Great Lakes Westbound Freight Conference, modifies the basic agreement of that conference (No. 8260, as amended), which covers the trade from ports on the Mediterranean, from Gibraltar to Port Said, including Marmara, Black Sea and Adriatic ports, and from Iberian Peninsular ports, North African ports, including Morocco, all inclusive, to U.S. ports of the Great Lakes, by direct call or transshipment. The purpose of the modification is to clarify the provision of the conference agreement with respect to requirement that members adhere strictly to the rates, terms and conditions of the conference agreement in connection with the transportation of cargo within the scope of the conference.

(6) Agreement No. 8289-1, between Flota Mercante Grancolombiana, S.A., and Alcoa Steamship Company, Inc., modifies approved Agreement No. 8289, which covers a through billing arrangement in the trade from Ecuador, Colombia, Honduras, Costa Rica, Guatemala and Mexico to Puerto Rico, with transshipment at New York, or Baltimore. The purpose of the modification is to include Peru as a port of loading served by Flota, and Mobile, Alabama, and New Orleans, Louisiana, as ports of transshipment under the agreement.

(7) Agreement No. 8305-1, between the Board of Port Commissioners of the City of Oakland, California, and Howard Terminal, modifies the basic agreement by providing for the enclosure of the depressed track area between Sections A and B of the Grove Street Pier and the amortization of the cost thereof.

(8) Agreement No. 8249-1, between Flota Mercante Grancolombiana, S.A., and Bull Insular Line, Inc., modifies approved Agreement No. 8249, which covers a through billing arrangement in the trade from Ecuador, Colombia, Honduras, Costa Rica, Guatemala and Mexico to Puerto Rico, with transshipment at New York, Baltimore or Philadelphia. The purpose of the modification is to include Peru as a port of loading served by Flota, and Mobile, Alabama, and New Orleans, Louisiana, as ports of transshipment under the agreement.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of these agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: April 10, 1959.

By order of the Federal Maritime Board.

[SEAL] JAMES L. PIMPER,
Secretary.

[F.R. Doc. 59-3140; Filed, Apr. 14, 1959;
8:49 a.m.]

Maritime Administration
**TRADE ROUTE NO. 29, U.S. PACIFIC/
 FAR EAST**

**Notice of Modification and Adoption
 of Conclusions and Determinations
 Regarding Essentiality and United
 States Flag Service Requirements**

Notice is hereby given that the Maritime Administrator has considered the comments and views submitted by interested persons, firms or corporations with respect to the tentative conclusions and determinations regarding the essentiality and United States flag service requirements of Trade Route No. 29 as published in the FEDERAL REGISTER issue of February 14, 1959 (24 F.R. 1164) and has ordered that paragraph No. 3 thereof be modified to read as follows:

3. United States flag sailing requirements for liner service on Trade Route No. 29 are approximately as follows:

29-37 sailings per month of freight vessels exclusively from continental U.S. Pacific ports with:

11-14 serving California outbound/inbound but not Washington-Oregon,
 4-6 serving Washington-Oregon outbound/inbound but not California, and
 14-17 serving Washington-Oregon and California, outbound/inbound.

12-14 sailings per month calling at California ports with freight vessels serving U.S. Atlantic and/or Gulf ports.

Fortnightly sailings of combination or passenger vessels from California exclusively, supplemented by Round-the-World combination vessel sailings.

NOTES:

(a) The Hawaii/Far East trade should be served in conjunction with a limited number of U.S. flag sailings on this and other essential routes and services.

(b) No specific service requirements are made at this time with respect to Alaska/Far East trade.

(c) Nearby Canadian Pacific ports may be included on sailings which include Washington-Oregon and similarly nearby Mexican Pacific ports may be included on sailings which include California calls.

The Maritime Administrator has adopted as final the previously published conclusions and determinations regarding the essentiality and United States flag service requirements of Trade Route No. 29 including Paragraph No. 3 as so modified.

Dated: April 9, 1959.

By order of the Maritime Administrator.

[SEAL] JAMES L. PIMPER,
 Secretary.

[F.R. Doc. 59-3141; Filed, Apr. 14, 1959;
 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-18]

GENERAL ELECTRIC CO.

**Notice of Issuance of Amendment to
 Utilization Facility License**

Please take notice that the Atomic Energy Commission has issued Amendment No. 11 to Facility License No. DPR-

1 authorizing General Electric Company to add a nuclear superheat loop to its Vallecitos Boiling Water Reactor and to test fuel elements in the loop as described in the licensee's amendment No. 33 to its license application dated January 23, 1959. Amendment No. 11 is set forth below.

The Commission has found that issuance of the amendment to License No. DPR-1 will not result in undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since installation and operation of the nuclear superheat loop as proposed does not present any substantial changes in the hazards to the health and safety of the public from those presented by the previously authorized operation of the Vallecitos Boiling Water Reactor.

In accordance with the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of the issuance of the amendment upon receipt of a request therefor from the licensee or an intervener within thirty days after issuance of the license amendment. For further details, see (1) the application for license amendment submitted by General Electric Company and (2) a hazards analysis of the proposed installation and operation of the nuclear superheat loop prepared by the Division of Licensing and Regulation, both on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 8th day of April 1959.

For the Atomic Energy Commission.

H. L. PRICE,
 Director, Division of
 Licensing and Regulation.

[License No. DPR-1; Amdt. 11]

1. In addition to the activities previously authorized by the Commission in License No. DPR-1, General Electric Company is authorized to install and operate in its Vallecitos Boiling Water Reactor located in Alameda County, California, a nuclear superheat loop as described in the Company's Amendment No. 33 to its license application dated January 23, 1959. In performing any tests in the nuclear superheat loop, General Electric Company shall observe the conditions specified in paragraph 4 of License No. DPR-1, as amended.

2. Paragraph 1 of License No. DPR-1, as amended, is hereby amended to read as follows:

1. This license applies to the nuclear reactor designated by the General Electric Company as the "Vallecitos Boiling Water Reactor" (hereinafter referred to as "the facility") which is owned by the Company and located at its Vallecitos Atomic Laboratory in Alameda County, California, and described in applications for license amendment No. 24 dated May 14, 1958, No. 30 dated October 9, 1958, No. 31 dated November

3, 1958, No. 32 dated January 13, 1959 and No. 33 dated January 23, 1959 (hereinafter collectively referred to as "the application").

3. Subparagraph 4.B.(1)a. is hereby amended to read as follows:

4.B.(1)a. "Final Hazards Summary Report" means the "General Electric Vallecitos Boiling Water Reactor Final Hazards Summary Report 5-G-VAL-2, Second Edition" dated May 8, 1958, as amended by applications for license amendment Nos. 30 through 33.

4. Subparagraph 4.H.(1)b is hereby amended to read as follows:

4.H.(1)b. Observe all maximum and minimum values specified in Tables 1.1 through 1.4 of the Final Hazards Summary Report.

5. A new subparagraph 4.H.(1)e is hereby added to read as follows:

4.H.(1)e. Conduct no tests on any fuel element in the nuclear superheat loop unless a scram interlock is included which will shut down the facility in the event the coolant flow through the nuclear superheat loop drops below 80 percent of the design flow for the particular test involved.

6. The term "section 8" is hereby amended wherever it appears in Paragraph 4.H.(2) to read as follows: sections 8 and 11.5.

This amendment is effective as of the date of issuance.

Date of issuance: April 8, 1959.

For the Atomic Energy Commission.

H. L. PRICE,
 Director,
 Division of Licensing and Regulation.

[F.R. Doc. 59-3122; Filed, Apr. 14, 1959;
 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-18218]

MAGNOLIA PETROLEUM CO.

**Order for Hearing and Suspending
 Proposed Change in Rates**

APRIL 8, 1959.

Magnolia Petroleum Company (Magnolia) on March 9, 1959, tendered for filing a proposed change in its presently effective rate schedule¹ for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, undated.
 Purchaser: Texas Eastern Transmission Corporation.
 Rate schedule designation: Supplement No. 11 to Magnolia's FPC Gas Rate Schedule No. 50.

Effective date: April 9, 1959 (stated effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed redetermined rate increase, Magnolia states that its contract was negotiated at arm's length, that the proposed rate is an adjustment in the initial price, and that the price of gas is a commodity price determined by supply and demand. Additionally Magnolia states that the cost of doing business has steadily increased

¹ Present rate previously suspended and is in effect subject to refund in Docket No. G-14398.

and that the increase is necessary to attract the needed risk capital.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 11 to Magnolia's FPC Gas Rate Schedule No. 50 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 11 to Magnolia's FPC Gas Rate Schedule No. 50.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until September 9, 1959, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-3115; Filed, Apr. 14, 1959;
8:45 a.m.]

[Docket Nos. G-18185, G-18186]

SHELL OIL CO. AND SHELL OIL CO. ET AL.

Order for Hearings and Suspending Proposed Change in Rates¹

APRIL 9, 1959.

The proposed changes hereinafter designated, which constitute increased rates and charges in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission, have been tendered for filing by the above-named Respondents. In each filing, the purchaser is El Paso Natural Gas Company (El Paso).

¹ This order does not provide for the consolidation of hearing or disposition of the matters covered herein, nor should it be so construed.

Respondent	Date of notice of change	Date tendered	Effective date ¹	Rate schedule	Supp. No.
Shell Oil Co. (operator), et al.	3-11-59	3-13-59	4-13-59	134	8
Shell Oil Co.	3-11-59	3-13-59	4-13-59	216	7
Do.	3-11-59	3-13-59	4-13-59	333	7
Do.	3-11-59	3-13-59	4-13-59	440	3
Do.	3-11-59	3-13-59	4-13-59	541	12
Do.	3-11-59	3-13-59	4-13-59	795	3

¹ Present rate previously suspended and subject to refund in Docket No. G-16253 (also subject to order in Docket No. G-14094).

² Present rate previously suspended and subject to refund in Docket No. G-16254 (also subject to order in Docket No. G-13988).

³ Present rate previously suspended and subject to refund in Docket No. G-16254 (also subject to order in Docket No. G-14080).

⁴ Present rate previously suspended and subject to refund in Docket No. G-16254 (also subject to order in Docket No. G-13988).

⁵ Present rate previously suspended and subject to refund in Docket No. G-16254 (also subject to order in Docket No. G-14080).

⁶ The stated effective date is the first day after expiration of the required thirty days' notice.

⁷ Id. footnote 4.

In support of the proposed increased rates and charges for sales of natural gas from various fields in the Permian Basin area of Texas and New Mexico, Respondents cite initial sales of natural gas by West Texas Gathering Company from wells in Winkler County, Texas, at a base rate of 16.0 cents per Mcf to El Paso and claim with respect thereto, applicability of favored-nation contract provisions in Respondents' above-identified FPC Gas Rate Schedules. Respondents also claim tax reimbursement over and above the 16.0 cents base rate; state that the contracts were entered into at arm's-length and in good faith, and that the pricing provisions were an integral part of the consideration.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the six proposed changes, and that each of the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decision thereon, Supplement No. 8 to Shell Oil Company (Operator), et al., FPC Gas Rate Schedule No. 34; Supplement No. 7 to Shell Oil Company FPC Gas Rate Schedule No. 16; Supplement No. 7 to Shell Oil Company FPC Gas Rate Schedule No. 33; Supplement No. 3 to Shell Oil Company FPC Gas Rate Schedule No. 40; Supplement No. 12 to Shell Oil Company FPC Gas Rate Schedule No. 41; and Supplement No. 3 to Shell Oil Company FPC Gas Rate Schedule No. 95 are each hereby suspended and the use thereof deferred until September 13, 1959, and thereafter until each is made

effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-3116; Filed, Apr. 14, 1959;
8:45 a.m.]

[Docket Nos. G-15937, G-16186]

J. I. ROBERTS

Order Redesignating Rate Schedule and Related Proceedings

APRIL 9, 1959.

On August 18, 1958, J. I. Roberts tendered for filing a proposed rate change which was designated as Supplement No. 6 to J. I. Roberts and C. H. Murphy, Jr., d/b/a Roberts and Murphy (Roberts and Murphy)'s FPC Gas Rate Schedule No. 3. The supplement was suspended and later allowed to become effective subject to refund by orders of the Commission issued, respectively, on September 10 and November 26, 1958, in the Matter of J. I. Roberts and C. H. Murphy, Jr., d/b/a Roberts and Murphy, Docket No. G-16186. An earlier filing, designated as Supplement No. 5 to the same rate schedule, was suspended and allowed to become effective subject to refund by order of the Commission issued August 15, 1958, in the Matter of J. I. Roberts and C. H. Murphy, Jr., d/b/a Roberts and Murphy, Docket No. G-15937.

By a contract, dated April 28, 1950, certain persons joined to sell natural gas to Mississippi River Fuel Corporation (Mississippi). These interests, after various transfers, now are (1) J. I. Roberts and C. H. Murphy, Jr., d/b/a Roberts and Murphy; (2) J. I. Roberts; (3) Murphy Corporation; (4) Wm. C. Nolan; (5) Theodosia Nolan; (6) Charles M.

INTERSTATE COMMERCE COMMISSION

[Notice 264]

MOTOR CARRIER APPLICATIONS

APRIL 10, 1959.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers and by brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto.

All hearings will be called at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 730 (Sub. No. 134), filed March 2, 1959. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 1417 Clay Street, Oakland, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* (except wax from Richmond, Calif., to Phoenix and Tucson, Ariz.), in bulk, in tank vehicles, from points in Alameda, Contra Costa, and San Diego Counties, Calif., to points in Arizona. Applicant is authorized to conduct operations in Arizona, California, Colorado, Idaho, Illinois, Iowa, Kansas, Missouri, Montana, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, Utah, Washington, Wisconsin, and Wyoming.

NOTE: Applicant states it agrees that any duplication of authority shall not be construed as conferring more than a single operating authority between any points or territory embraced in the application.

HEARING: May 22, 1959, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Joint Board No. 47, or if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 8768 (Sub. No. 17), filed February 9, 1959. Applicant: SECURITY STORAGE AND VAN COMPANY, INC., 2668 Lower Wetumpka Road, Montgomery, Ala. Applicant's representative: Pete H. Dawson, 1261 Drake Ave., P.O. Box 1007, Burlingame, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in California. Applicant is authorized to conduct operations in Alabama, Arizona, Arkansas, California, District of Columbia, Florida, Georgia, Illinois, Louisiana, Maryland, Mississippi, Missouri, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Virginia, and Washington.

HEARING: May 20, 1959, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Joint Board No.

75, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 13123 (Sub. No. 23), filed March 2, 1959. Applicant: WILSON FREIGHT FORWARDING COMPANY, a Corporation, 3636 Follett Avenue, Cincinnati, Ohio. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, green hides, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Xenia, Ohio, and Dayton, Ohio: from Xenia over U.S. Highway 35 to Dayton, and return over the same route, and (2) between Springfield, Ohio, and South Charleston, Ohio: from Springfield over Ohio Highway 70 to South Charleston, and return over the same route, serving no intermediate points except for purpose of joinder, as alternate routes for operating convenience, in connection with applicant's authorized operations. Applicant is authorized to conduct operations in Pennsylvania, New York, Ohio, Maryland, Massachusetts, the District of Columbia, West Virginia, Virginia, North Carolina, Kentucky, Tennessee, Connecticut, New Jersey, Indiana, and Illinois.

NOTE: Applicant states it proposed to consolidate its terminals now operating in Columbus, and Dayton, Ohio, at a new terminal to be constructed at South Charleston, Ohio, and that the authority herein sought is solely for the purpose of moving equipment between points presently served, but over more practical routes.

HEARING: May 19, 1959, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 117.

No. MC 16567 (Sub. No. 6) (Republication), filed February 27, 1959, published issue of April 8, 1959. Applicant: J. L. SCHEFFLER TRANSPORT, INC., 1801 West Fulton Street, Chicago 12, Ill. Applicant's attorney: Eugene L. Cohn, One North LaSalle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *Plumbing ware and supplies*, serving Woodstock, Ill., as an off-route point in connection with applicant's authorized regular route operations between Chicago, Ill., and Two Rivers, Wis., restricted to the delivery of shipments originating at Kohler and Sheboygan, Wis. Applicant is authorized to conduct operations in Illinois and Wisconsin.

HEARING: Remains as assigned May 19, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

NOTE: This republication adds the origin point of Sheboygan, Wis., with respect to shipments to be delivered to the above off-route point.

No. MC 22254 (Sub. No. 25), filed December 11, 1958. Applicant: TRANS-AMERICAN VAN SERVICE, INC., 7540 So. Western Avenue, Chicago 20, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular

Nolan; and (7) M. C. Hoover. The Rate Schedule No. 3 in question was designated to govern the contract interest of the partnership of Roberts and Murphy. By letter dated June 20, 1956, the partnership agreed that J. I. Roberts' individual interest would also be included under the Roberts and Murphy rate schedule. Another rate schedule, previously filed with the Commission and designated Murphy Corporation, et al.'s FPC Gas Rate Schedule No. 5, appeared to govern the contract interests of the last five parties mentioned above. However, filings made under the Murphy Corporation, et al. rate schedule have been and continue to be made in the name of all interests except J. I. Roberts' individual interest. Only J. I. Roberts has been filing under the Roberts and Murphy rate schedule in question and only on his own behalf. The result is that J. I. Roberts' individual interest is being governed by a schedule designated Roberts and Murphy's FPC Gas Rate Schedule No. 3, whereas the partnership's interest is being governed by the Murphy Corporation, et al. rate schedule. For the sake of clarity, the schedule governing J. I. Roberts' interest is being redesignated in the Commission's files as J. I. Roberts' FPC Gas Rate Schedule No. 7. All other interests will be deemed governed by Murphy Corporation, et al.'s FPC Gas Rate Schedule No. 5. Proceedings which concern Roberts and Murphy's FPC Gas Rate Schedule No. 3 should likewise be redesignated to refer to J. I. Roberts only.

The Commission finds:

(1) The title of these matters should be changed to J. I. Roberts.

(2) J. I. Roberts and C. H. Murphy, Jr., d/b/a Roberts and Murphy's FPC Gas Rate Schedule No. 3, including supplements, should be redesignated J. I. Roberts' FPC Gas Rate Schedule No. 7, including supplements.

(3) All past references in these matters to Roberts and Murphy's FPC Gas Rate Schedule No. 3 or supplements thereto should be interpreted to be references to what is now designated as J. I. Roberts' FPC Gas Rate Schedule No. 7 or supplements thereto.

The Commission orders:

(A) The title of the matters in Docket Nos. G-15937 and G-16186 is hereby changed to be in the Matter of J. I. Roberts.

(B) J. I. Roberts and C. H. Murphy, Jr., d/b/a Roberts and Murphy's FPC Gas Rate Schedule No. 3, including supplements, is hereby redesignated J. I. Roberts' FPC Gas Rate Schedule No. 7, including supplements.

(C) All past references in these matters to Roberts and Murphy's FPC Gas Rate Schedule No. 3 or supplements thereto shall be read as references to what is now designated as J. I. Roberts' FPC Gas Rate Schedule No. 7 or supplements thereto.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-3117; Filed, Apr. 14, 1959; 8:46 a.m.]

routes, transporting: *Household goods*, as defined by the Commission, *musical instruments, organs and pianos, typewriters, airplanes, or parts thereof, antiques*, and *motor vehicles* weighing not over 1150 pounds, between points in the United States and points in Alaska. Applicant is authorized to conduct operations throughout the United States.

HEARING: May 18, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Thomas F. Kilroy.

No. MC 29886 (Sub No. 134), filed October 24, 1958. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. Applicant's attorney: Charles M. Pieroni, 523 Johnson Building, Muncie, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy duty trucks, truck chassis, truck trailers, truck parts and accessories* when moving with trucks, in truckaway and driveway service, from the site of the Peterbilt Motors Company plant in Alameda County, Calif., to points in Alaska, and on return *such of the aforementioned commodities as are being returned to the manufacturer for rebuilding, repair, or testing, or which are for demonstration or show purposes, or which have been damaged or rejected*. Applicant is authorized to conduct operations throughout the United States.

HEARING: May 19, 1959, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 31024 (Sub 27), filed March 20, 1959. Applicant: NEPTUNE STORAGE, INC., 55 Weyman Ave., New Rochelle, N.Y. Applicant's attorney: Daniel W. Baker, 625 Market Street, San Francisco 5, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined in *Practices of Motor Carriers of Household Goods*, 17 M.C.C. 467, between points in California. Applicant is authorized to conduct operations throughout the United States.

HEARING: May 25, 1959, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Joint Board No. 75, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 41367 (Sub No. 3), filed January 28, 1959. Applicant: EARL ESTES, P.O. Box 156, Warsaw, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Building materials*, on traffic having prior movement by rail, from Ionia, Mo., to Warsaw, Mo., from Ionia over unnumbered road to the junction of U.S. Highway 65, thence over U.S. Highway 65 to Warsaw, serving no intermediate points. Applicant is authorized to conduct operations in Illinois, Kansas and Missouri.

HEARING: May 29, 1959, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 179.

No. MC 41367 (Sub No. 4), filed January 28, 1959. Applicant: EARL ESTES, P.O. Box 156, Warsaw, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes,

transporting: *Walnut Gun Stock blanks*, from Pawnee and Disney, Okla., to Warsaw, Mo. Applicant is authorized to conduct operations in Missouri, Kansas and Illinois.

HEARING: May 29, 1959, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 180.

No. MC 42405 (Sub No. 10), filed February 24, 1959. Applicant: MISTLETOE EXPRESS SERVICE, an Oklahoma Corporation, 111 Harrison, Oklahoma City, Okla. Applicant's attorney: Max G. Morgan, 443-54 American National Bldg., Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except Class A and B explosives, moving in express service, (1) between Wichita, Kans., and Medford and Alva, Okla., from Wichita, Kans., over U.S. Highway 81 to Medford, Okla., from Wichita, Kans., over Kansas Highway 42 to Junction Kansas 2 (near Milton); thence over Kansas Highway 2 to its junction Kansas State 14 (near Harper); thence over Kansas State 14 via Kiowa to junction U.S. Highway 281; thence over U.S. Highway 281 to Alva and return over the same routes, serving no intermediate points with authority to tack at Medford and Alva, Okla., for purposes of joinder; (2) between Enid, Okla., and Junction U.S. Highway 281 and Oklahoma Highway 15, from Enid over U.S. Highway 60 to Junction Oklahoma Highway 15 near Orienta, thence over Oklahoma Highway 15 to its junction U.S. Highway 281 and return over the same route; (3) between Tonkawa and Pond Creek, Okla., from Tonkawa over U.S. Highway 60 to Pond Creek and return over the same route; (4) between Medford and Blackwell, Okla., from Medford over Oklahoma Highway 11 to Blackwell and return over the same route; (5) between Arapaho and Sayre, Okla., from Arapaho over U.S. Highway 183 to its junction Oklahoma Highway 33; thence over Oklahoma Highway 33 to its junction U.S. Highway 282, thence over 283 to Sayre, and return over the same route; (6) between Elk City and Leedey, Okla., from Elk City over Oklahoma Highway 34 to Leedey and return over same route; (7) between Junction U.S. Highway 64 and Oklahoma Highway 8, and Junction Oklahoma Highway 8 and Oklahoma Highway 45, from junction of Oklahoma Highway 8 with U.S. Highway 64 near Cherokee over Oklahoma Highway 8 to its junction with Oklahoma Highway 45 near Carman, and return over the same route, serving all intermediate points on the above routes (2), (3), (4), (5), (6) and (7). Applicant is authorized to conduct operations in Arkansas, Texas and Oklahoma.

HEARING: June 1, 1959, at the Hotel Lassen, Wichita, Kans., before Joint Board No. 39.

No. MC 46737 (Sub No. 35), filed February 18, 1959. Applicant: GEO. F. ALGER COMPANY, a Corporation, 3050 Lonyo Road, Detroit 9, Mich. Applicant's attorney: Walter N. Bieneman, Guardian Bldg., Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk

and in bags, between points in Michigan, on the one hand, and, on the other, points in Ohio, Indiana and Illinois. Applicant is authorized to conduct operations in Michigan, Ohio, Illinois, Indiana, and Wisconsin.

NOTE: Applicant states it is authorized to transport cement between points in Wayne County, Mich., and points in Ohio and between points in Monroe County, Mich., and points in Ohio and Indiana; therefore, applicant expressly restricts the instant application so that the grant of the authority sought will not create any duplicating operating rights.

HEARING: May 18, 1959, at the Federal Building, Detroit, Mich., before Examiner Alfred B. Hurley.

No. MC 50132 (Sub No. 51), filed December 22, 1958. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sugar and sugar products*, in bulk, liquid or dry, and/or in packages, from Chalmette, Gramercy, New Orleans Reserve, Supreme and Three Oaks, La., to points in Arkansas, Iowa, Kansas, Minnesota, Nebraska, North Dakota, Oklahoma, South Dakota and Wisconsin, and points in Missouri except Sikeston, points in the St. Louis Commercial Zone and points in St. Louis, St. Charles, Franklin and Jefferson Counties, Mo. Applicant is authorized to conduct operations in Illinois, Louisiana, Missouri, Arkansas, Tennessee, Kentucky, North Carolina, South Carolina, Nebraska, Mississippi, Alabama, Georgia, Indiana, Virginia, Ohio, West Virginia, Florida, Arizona, New Mexico, California, Iowa, and Arkansas.

NOTE: Applicant states it does not seek authority to serve previously named excepted areas. A proceeding has been instituted under section 212(c) in No. MC 50132 Sub 38 to determine whether applicant's status is that of a common or contract carrier.

HEARING: May 25, 1959, at the Federal Office Building, 600 South Street, New Orleans, La., before Examiner James I. Carr.

No. MC 52657 (Sub No. 530), filed September 6, 1958. Applicant: ARCO AUTO CARRIERS, INC., 7530 South Western Avenue, Chicago 20, Ill. Applicant's attorney: G. W. Stephens, 121 West Doty Street, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction machinery and equipment, and parts thereof*, as defined in Appendix VIII to the report in Description of Motor Carrier Certificates, 61 M.C.C. 209, *including excavating and earth scraping machines*, in truckaway and driveway service or by combination of both services, between South Bend, Ind., and points in Alaska. Applicant is authorized to conduct operations throughout the United States.

NOTE: Applicant states that transportation to South Bend, Ind., to be restricted to such of the aforementioned commodities as are being transported to the manufacturer for rebuilding, repair, or testing, or which are for demonstration or show purposes.

HEARING: May 18, 1959, in Room 852, U.S. Custom House, 610 South Canal

St., Chicago, Ill., before Examiner Thomas F. Kilroy.

No. MC 52657 (Sub No. 533), filed September 17, 1958. Applicant: ARCO AUTO CARRIERS, INC., 7530 South Western Avenue, Chicago 20, Ill. Applicant's attorney: G. W. Stephens, 121 West Doty Street, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Truck and trailer bodies, winches, containers, cargo containers, cargo container bodies, and cargo container boxes*, from Edgerton and Stoughton, Wis., to all points in the new State of Alaska. (B) *Trailers* (other than house trailers and mobile homes), in initial movements, in truckaway and driveaway service, from Edgerton and Stoughton, Wis., to all points in the new State of Alaska. (C) *Tractors*, in secondary movements, in driveaway service, only when drawing trailers in initial driveaway service as described above, from Edgerton and Stoughton, Wis., to all points in the new State of Alaska. Applicant is authorized to conduct operations throughout the United States.

HEARING: May 19, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Thomas F. Kilroy.

No. MC 52657 (Sub No. 534) filed September 17, 1958. Applicant: ARCO AUTO CARRIERS, INC., 7530 South Western Avenue, Chicago 20, Ill. Applicant's attorney: G. W. Stephens, 121 West Doty Street, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Trailers*, in initial movements, in truckaway service, from South Bend, Ind., to points in the new State of Alaska. (B) *Trailers*, in initial movements, in driveaway service, from South Bend, Ind., to points in the new State of Alaska. (C) *Tractors*, in secondary movements, in driveaway service, when drawing trailers in initial driveaway service, from South Bend, Ind., to points in the new State of Alaska. Applicant is authorized to conduct operations throughout the United States.

HEARING: May 20, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Thomas F. Kilroy.

No. MC 52657 (Sub 536), filed September 18, 1958. Applicant: ARCO AUTO CARRIERS, INC., 7530 South Western Avenue, Chicago 20, Ill. Applicant's attorney: G. W. Stephens, 121 West Doty Street, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, in initial movements, in truckaway service; *truck and trailer bodies, containers, tail gates, lift gates, hoists, sweepers, line marking equipment, and truck loaders*, from Oshkosh and New Holstein, Wis., and points within ten miles of New Holstein, Wis., to points in the new State of Alaska. Applicant is authorized to conduct operations throughout the United States.

HEARING: May 20, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Thomas F. Kilroy.

No. MC 52657 (Sub No. 539), filed September 22, 1958. Applicant: ARCO AUTO CARRIERS, INC., 7530 South Western Avenue, Chicago 20, Ill. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailer frames, bodies, tail gates, and trailer caster assemblies*, from Geneva, Ill., and points within 5 miles thereof to points in the new State of Alaska. Applicant is authorized to conduct operations throughout the United States.

HEARING: May 21, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Thomas F. Kilroy.

No. MC 52657 (Sub No. 540), filed September 22, 1958. Applicant: ARCO AUTO CARRIERS, INC., 7530 South Western Avenue, Chicago 20, Ill. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vac-U-Vators, including accessories and pipes* which are a part of and moving with above Vac-U-Vators, from Geneva, Ill., and points within 5 miles thereof to points in the new State of Alaska. Applicant is authorized to conduct operations throughout the United States.

HEARING: May 22, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Thomas F. Kilroy.

No. MC 52657 (Sub No. 554), filed December 31, 1958. Applicant: ARCO AUTO CARRIERS, INC., 7530 South Western Avenue, Chicago 20, Ill. Applicant's attorney: G. W. Stephens, 121 West Doty Street, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, tractors, trucks, trailers, chassis, and parts thereof*, in initial movements, in truckaway and driveaway service, between Clintonville and Oshkosh, Wis., and points in the new State of Alaska. Applicant is authorized to conduct operations throughout the United States.

HEARING: May 22, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Thomas F. Kilroy.

No. MC 52858 (Sub No. 77), filed February 27, 1959. Applicant: CONVOY COMPANY, a Corporation, 3900 NW. Yeon Avenue, Portland 10, Oreg. Applicant's attorney: Marvin Handler, 625 Market Street, San Francisco 5, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles and trucks*, in secondary movements, in truckaway service, from Ogden and Salt Lake City, Utah to points in California and Nevada, limited to the transportation of shipments originating at points outside of Utah.

NOTE: Applicant states as follows: it holds similarly restricted authority from Logan, Utah, to points in California. The granting of this application will result in applicant being able to interline with connecting carriers at points resulting in more convenience, efficient and economical operations. Appli-

cant is authorized to conduct operations in Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming.

HEARING: May 26, 1959, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 59583 (Sub No. 78), filed February 20, 1959. Applicant: THE MASON & DIXON LINES, INCORPORATED, Eastman Road, Kingsport, Tenn. Applicant's attorney: Clifford E. Sanders, 311 East Center Street, Kingsport, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the warehouse site of Georgia Rug Mills, division of Bigelow-Sanford Carpet Company, Inc., located on Georgia Highway 114, approximately 4.2 miles south of Summerville, Ga., as an off-route point in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Tennessee, North Carolina, Georgia, South Carolina, Maryland, New York, Virginia, New Jersey, Pennsylvania, and the District of Columbia.

HEARING: April 30, 1959, at 680 West Peachtree Street NW., Atlanta, Ga., before Joint Board No. 101, or, if the Joint Board waives its right to participate, before Examiner Walter R. Lee.

No. MC 61403 (Sub No. 41), filed March 19, 1959. Applicant: THE MASON AND DIXON TANK LINES, INC., Wilcox Drive, Kingsport, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lacquers, solvents, varnishes, thinners, and surface coating compounds*, in bulk, in tank vehicles, from Cincinnati, Ohio to Tampa, Fla. Applicant is authorized to conduct operations in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: May 14, 1959, at 346 Broadway, New York, N.Y., before Examiner Allen W. Hagerly.

No. MC 71424 (Sub No. 1), filed January 26, 1959. Applicant: JACOB L. SEIFERT, R.D. No. 2, Dover, Pa. Applicant's attorney: Russell F. Griest, 117 East Market Street, York, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime or ground limestone*, from points in Jackson Township, York County, Pa., to points in Frederick, Montgomery, Howard, Carroll, Baltimore and Harford Counties, Md., and points in Cecil County, Del.

HEARING: May 18, 1959, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Joint Board No. 199, or, if the Joint Board waives its right to participate, before Examiner William E. Messer.

No. MC 75406 (Sub No. 15), filed January 8, 1959. Applicant: SUPERIOR FORWARDING COMPANY, INC., 2600 South Fourth Street, St. Louis 18, Mo. Applicant's attorney: B. W. La Tourette, Jr., Suite 1230 Boatmen's Bank Building, St. Louis 2, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *Class A and B explosives*, and *general commodities*, except those of unusual value, and except livestock, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Pine Bluff, Ark., and Stuttgart, Ark., (1) from Pine Bluff over U.S. Highway 79 to junction Arkansas Highway 11, thence over Arkansas Highway 11 to Stuttgart, and return over the same route, serving no intermediate points, and (2) from Pine Bluff over U.S. Highway 79 to junction U.S. Highway 79C, thence over U.S. Highway 79C to junction Arkansas Highway 11, thence over Arkansas Highway 11 to Stuttgart, and return over the same route, serving no intermediate points, as alternate routes for operating convenience only, in connection with applicant's authorized regular route operations between St. Louis, Mo., on the one hand, and, on the other, Stuttgart and Pine Bluff, Ark. Applicant is authorized to conduct operations in Arkansas, Illinois and Missouri.

HEARING: May 18, 1959, at the Arkansas Commerce Commission, Little Rock, Ark., before Joint Board No. 215, or, if the Joint Board waives its right to participate, before Examiner James I. Carr.

No. MC 76085 (Sub No. 1), filed January 26, 1959. Applicant: EARL E. KING, R.D. No. 1, East Berlin, Pa. Applicant's attorney: Russell F. Griest, 117 East Market Street, York, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural limestone* by spreader delivery vehicle, from Jackson Township, York County, Pa., to farms located in Frederick, Montgomery, Howard, Carroll, Baltimore, and Harford Counties, Md., and points in Cecil County, Del.

HEARING: May 18, 1959, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Joint Board No. 199, or, if the Joint Board waives its right to participate, before Examiner William E. Messer.

No. MC 78786 (Sub No. 215), filed January 20, 1959. Applicant: PACIFIC MOTOR TRUCKING COMPANY, a corporation, 65 Market Street, San Francisco 5, Calif. Applicant's attorney: William Meinhold (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except household goods as defined by the Commission, (1) between Lone Pine, Calif., and Laws, Calif.: from Lone Pine Station over unnumbered

highway to Lone Pine, thence over U.S. Highway 395 to Bishop, and thence over U.S. Highway 6 (formerly California Highway 168) to Laws, and return over the same route, serving all intermediate points and off-route points within five miles of the above-specified route; (2) between Lone Pine Station, Calif., and Keeler, Calif.: from Lone Pine Station over unnumbered highways via Mt. Whitney to junction California Highway 190, and thence over California Highway 190 to Keeler, and return over the same route, serving all intermediate points. Alternate route for operating convenience only: between junction U.S. Highway 395 and California Highway 190 near Lone Pine, Calif., and junction California Highway 190 and unnumbered highway northwest of Keeler, Calif.: from junction U.S. Highway 395 and California Highway 190 near Lone Pine, over California Highway 190 to junction unnumbered highway northwest of Keeler, and return over the same route. Applicant is authorized to conduct operations in Oregon, California, Arizona, and Nevada.

NOTE: Applicant states it has filed concurrently with the above application, an application of Southern Pacific Company, under Paragraphs (18) to (21) of Section 1, Part I, of the Interstate Commerce Act, for a certificate of public convenience and necessity authorizing the abandonment of the Keeler Branch and a portion of the Owenyo Branch in Inyo County, California.

HEARING: May 21, 1959, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Joint Board No. 75, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 80428 (Sub No. 29), filed March 6, 1959. Applicant: McBRIDE TRANSPORTATION, INC., Main Street, Goshen, N.Y. Applicant's attorney: Robert V. Gianniny, 25 Exchange Street, Rochester 14, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Feed, fertilizer and lime*, in bulk, in tank vehicles equipped with mechanical unloading devices, from Buffalo and Binghamton, N.Y., to points in Bradford, Susquehanna, Wyoming, Lackawanna and Wayne Counties, Pa. Applicant is authorized to conduct operations in New York, Pennsylvania, New Jersey, Ohio, Maryland, Massachusetts, Vermont, and Connecticut.

HEARING: May 18, 1959, at the Manager Hotel, Rochester, N.Y., before Examiner Donald R. Sutherland.

No. MC 83539 (Sub No. 43), filed February 2, 1959. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, P.O. Box 5976, Dallas, Tex. Applicant's attorney: W. T. Brunson, Leonhardt Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *Machinery, equipment, materials, and supplies* used in, or

in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, (1) between points in Missouri and Kansas; and (2) between points in Missouri and Kansas, on the one hand, and, on the other, points in North Dakota, South Dakota, Wyoming, Montana, and Utah. Applicant is authorized to conduct operations in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Wisconsin, and Wyoming.

HEARING: April 30, 1959, at 1:30 o'clock p.m. United States standard time (or 1:30 o'clock p.m. local daylight saving time, if that time is observed), at the New Hotel Pickwick, Kansas City, Mo., before Examiner James H. Gaffney.

No. MC 92722 (Sub No. 19), (CORRECTION), filed February 14, 1959, published issue of March 11, 1959. Applicant: ROBERT R. WALKER, INC., 1818 West Sample Street, South Bend 24, Ind. Applicant's attorney: Charles Pieroni, 523 Johnson Building, Muncie, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, except trailers, in initial movements, and *Automobiles*, imported from foreign countries in secondary movements, in truckaway service, from South Bend, Ind., to points in Colorado, Florida, Illinois, Kansas, Kentucky, Missouri, Oklahoma and Virginia. Applicant is authorized to conduct operations in Alabama, Arizona, Arkansas, California, Georgia, Illinois, Indiana, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Montana, Missouri, New Mexico, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Wisconsin, and Wyoming.

NOTE: The purpose of this republication is to correct the last word on line 12 of the previous publication which read: (in) due to a typographical error. The correct word reads: (from).

HEARING: Remains as assigned April 30, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner William R. Tyers.

No. MC 92983 (Sub No. 346), filed March 11, 1959. Applicant: ELDON MILLER, INC., 330 East Washington, Iowa City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcohols, beverages, liquors and spirits*, in bulk, in tank vehicles, from points in California, to points in Iowa, Michigan and Wisconsin. Applicant is authorized to conduct operations in Iowa, Kansas, Kentucky, Michigan, Pennsylvania, Illinois, Nebraska, Wisconsin, Missouri, Indiana, Minnesota, Ohio, Arkansas, North Carolina, South Carolina, Louisiana, Florida, Tennessee, New York, Texas, North Carolina, South Dakota, Massachusetts, Connecticut, Georgia, Mississippi, Oklahoma and Alabama.

HEARING: May 19, 1959, at the New Mint Building, 133 Hermann Street, San

Francisco, Calif., before Examiner F. Roy Linn.

No. MC 93713 (Sub No. 9), filed February 24, 1959. Applicant: JOSEPH LIEBERMAN, doing business as M. LIEBERMAN & SONS, 1325 Atlantic Avenue, Brooklyn, N.Y. Applicant's attorney: Morris Honig, 150 Broadway, New York 38, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in Nassau, Suffolk, Westchester, Rockland and Orange Counties, N.Y., and those in New Jersey lying on and north of New Jersey Highway 33, on the one hand, and, on the other, points in New York, New Jersey, Pennsylvania, Delaware, Maryland, Connecticut, Rhode Island, Massachusetts, the District of Columbia, Virginia, West Virginia, Illinois, Michigan, Ohio, North Carolina, South Carolina, Georgia and Florida; and (2) between points in Florida, on the one hand, and, on the other, points in New Jersey, New York (except New York, N.Y.), and points in Westchester County, N.Y., Pennsylvania, Delaware, Maryland, Virginia, West Virginia, Illinois, Michigan, Ohio, North Carolina, South Carolina, Georgia and the District of Columbia. Applicant is authorized to conduct operations in New York, New Jersey, Pennsylvania, Delaware, Maryland, Connecticut, Rhode Island, Massachusetts, the District of Columbia, Virginia, Illinois, Michigan, Ohio, West Virginia, North Carolina, South Carolina, Georgia, and Florida.

HEARING: May 20, 1959, at 346 Broadway, New York, N.Y., before Examiner Allen W. Hagerty.

No. MC 94430 (Sub No. 17), filed March 23, 1959. Applicant: WEISS TRUCKING COMPANY, INC., Mongo, Ind. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from St. Joseph, Mich., to points in Ohio, Indiana, and Illinois; and *empty containers or other such incidental facilities* used in transporting cement, and *damaged, rejected and refused shipments* of cement, on return. Applicant is authorized to conduct operations in Ohio, Indiana, Michigan, and Illinois.

HEARING: April 27, 1959, at the Olds Hotel, Lansing, Mich., before Examiner C. Evans Brooks.

No. MC 102138 (Sub No. 31), filed February 25, 1959. Applicant: REFINERS TRANSPORT, INC., 412 Illinois Building, Indianapolis, Ind. Applicant's attorney: William J. Guenther, 1511-14 Fletcher Trust Building, Indianapolis, Ind. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum asphalt*, in bulk, in tank vehicles, from Lawrenceville, Ill., to points in Kentucky on and west of a line beginning at Owensboro, Ky., and extending south along U.S. Highway 231 to Scottsville, Ky., thence along Kentucky Highway 100 to Holland, Ky., and thence in a southerly direction along

Kentucky Highway 99 to the Kentucky-Tennessee State line. Applicant is authorized to conduct operations in Illinois, Indiana, and Missouri.

NOTE: A proceeding has been instituted under section 212(c) in No. MC 102138 (Sub No. 28) to determine whether applicant's status is that of a common or contract carrier. Applicant has a pending common carrier application under MC 116805. Section 210 (dual authority) may be involved.

HEARING: May 18, 1959, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 1.

No. MC 103066 (Sub No. 15), filed February 6, 1959. Applicant: VAN STONE, doing business as STONE TRUCKING CO., P.O. Box 2014, 1516 West 49th Street, Tulsa, Okla. Applicant's attorney: W. T. Brunson, Leonhardt Bldg., Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials and supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, (1) between points in Missouri and Kansas, and (2) between points in Missouri and Kansas, on the one hand, and, on the other, points in North Dakota, South Dakota, Wyoming, Montana and Utah. Applicant is authorized to conduct operations in Arkansas, Illinois, Kansas, Louisiana, Montana, New Mexico, North Dakota, Oklahoma, South Dakota, Tennessee, and Texas.

HEARING: April 30, 1959, at 1:30 o'clock p.m. United States standard time (or 1:30 o'clock p.m. local daylight saving time, if that time is observed), at the New Hotel Pickwick, Kansas City, Mo., before Examiner James H. Gaffney.

No. MC 105813 (Sub No. 37), filed March 25, 1959. Applicant: BELFORD TRUCKING CO., INC., 1262 NW. 24th Street, P.O. Box 183 Allapattah Station, Miami, Fla. Applicant's attorney: Sol H. Proctor, 713-17 Professional Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and citrus products*, not canned and not frozen, in vehicles equipped with mechanical refrigeration, from points in Florida to the Port of Entry on the boundary between the United States and Canada at Detroit, Mich. Applicant is authorized to conduct operations in Illinois, Wisconsin, Florida, Indiana, Kansas, Missouri, South Carolina, New York, Pennsylvania, Delaware, the District of Columbia, Virginia, Maryland, Massachusetts, New Jersey, Rhode Island, Iowa, and Kentucky.

HEARING: May 20, 1959, at the Federal Building, Detroit, Mich., before Examiner Alfred B. Hurley.

No. MC 106163 (Sub No. 13) (Republication), filed December 5, 1958. Appli-

cant: W. H. KING, HARRY E. KING, AND FRANCIS A. KING, doing business as RED LINE TRANSFER AND STORAGE COMPANY, 219 West Barraque, Pine Bluff, Ark. Applicant's attorney: Louis Tarlowski, Rector Building, Little Rock, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Lake Village, Ark., and Greenville, Miss., from Lake Village over combined U.S. Highways 65 and 82 to junction U.S. Highway 82, thence over U.S. Highway 82 to Greenville, and return over the same route, serving all intermediate points. Applicant indicates the proposed service to be subject to the following: RESTRICTION: (1) Restricted against shipments originating in Memphis—Memphis Commercial Zone and points beyond (except Arkansas points) moving through Memphis gateway, destined to Greenville, Miss.; and (2) shipments originating Greenville, Miss., destined to Memphis—Memphis Commercial Zone and points beyond, moving through Memphis gateway. Applicant states the authority sought will be tacked to present irregular route authority at Lake Village, Ark. Applicant is authorized to conduct regular route operations in Arkansas and Tennessee, and irregular route operations in Arkansas, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, and Texas.

HEARING: May 19, 1959, at the Arkansas Commerce Commission, Little Rock, Ark., before Joint Board No. 109, or, if the Joint Board waives its right to participate, before Examiner James I. Carr.

NOTE: Previously published under NO HEARING.

No. MC 107107 (Sub No. 116), filed February 24, 1959. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 65, Allapattah Station, Miami 42, Fla. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bottle caps*, from points in the New York, N.Y., Commercial Zone as defined by the Commission, to points in Florida. Applicant is authorized to conduct operations in Alabama, Arkansas, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, and Wisconsin.

HEARING: May 20, 1959, at 346 Broadway, New York, N.Y., before Examiner Allen W. Hagerty.

No. MC 108298 (Sub No. 24), filed April 8, 1959. Applicant: ELLIS TRUCKING CO., INC., 1600 Oliver Avenue, Indianapolis, Ind. Applicant's attorney: Harry E. Yockey, Morris Plan Building, Suite 1406, 108 East Washington Street, Indianapolis 4, Ind. Authority sought to

operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Fort Wayne, Ind., and Richmond, Ind., from Fort Wayne over U.S. Highway 27 to its junction with U.S. Highway 40 at Richmond, and return over the same route, serving no intermediate points and serving the junction of U.S. Highways 27 and 40 for joinder purposes only. Applicant is authorized to conduct operations in Illinois, Indiana, Michigan, Kentucky, and Tennessee.

HEARING: May 19, 1959, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72.

No. MC 108449 (Sub No. 83), filed March 23, 1959. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road "C", St. Paul 13, Minn. Applicant's attorney: Adolph J. Bieberstein, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk and in bags, in specialized vehicles from Rapid City, S. Dak., and points within ten (10) miles thereof, to points in North Dakota. Applicant is authorized to conduct operations in Illinois, Iowa, Michigan, Minnesota, North Dakota, South Dakota, and Wisconsin.

HEARING: June 4, 1959, at the North Dakota Public Service Commission, Bismarck, N. Dak., before Joint Board No. 158.

No. MC 108678 (Sub No. 30), filed February 12, 1958. Applicant: LIQUID TRANSPORT CORP., 3901 Madison Avenue, Indianapolis, Ind. Applicant's attorney: William J. Guenther, 1511-14 Fletcher Trust Building, Indianapolis, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, in bulk, in tank, hopper or specially built vehicles, from Indianapolis, Ind., and Louisville, Ky., to points in Illinois, Indiana and Kentucky. Applicant is authorized to conduct operations in California, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Missouri, North Carolina, Ohio, Tennessee, West Virginia, and Wisconsin.

HEARING: May 19, 1959, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 1.

No. MC 109637 (Sub No. 116), filed March 30, 1959. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville 11, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt*, in bulk, in tank vehicles, from Lawrenceville, Ill., to points in Kentucky on and west of a line beginning at Owensboro, Ky., and extending along U.S. Highway 231 to Scottsville, Ky., thence along Kentucky Highway 100 to Holland, Ky., and thence along Kentucky Highway 99 to the Kentucky-Tennessee State line, and *empty containers or other such incidental facilities* (not specified) used in transporting Asphalt, on return. Applicant is authorized to

conduct operations in Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, New York, North Carolina, Ohio, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

HEARING: May 18, 1959, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 1.

No. MC 110193 (Sub No. 37), filed February 17, 1959. Applicant: SAFEWAY TRUCK LINES, INC., 4625 West 55th Street, Chicago 32, Ill. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between points in Westchester and Rockland Counties, N.Y., New York, N.Y., and points within 20 miles thereof, and points in Hudson, Essex, Union, Passaic, Middlesex, Mercer and Hunterdon Counties, N.J., on the one hand, and, on the other, points in the Chicago, Ill., Commercial Zone, as defined by the Commission and points in Illinois within ten (10) miles of Chicago, not included within the Commercial Zone. Applicant is authorized to conduct operations in Kansas, Nebraska, Missouri, Iowa, Illinois, Ohio, Pennsylvania, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, Colorado, Delaware, the District of Columbia, Maryland, Maine, Minnesota, Kentucky, Wisconsin, Arkansas, Indiana, and Michigan.

NOTE: Applicant states the purpose of this application is to eliminate the necessity of operating through various gateways in the operations between the Chicago, Ill., area and the New York-New Jersey area.

HEARING: May 22, 1959, at 346 Broadway, New York, N.Y., before Examiner Allen W. Hagerty.

No. MC 111231 (Sub No. 36) (Republication), filed December 24, 1958. Applicant: JONES TRUCK LINES, INC., 514 E. Emma Avenue, Springdale, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, livestock, grain, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, between Rolla, Mo., and Little Rock, Ark.: from Rolla over U.S. Highway 63 to junction U.S. Highway 62, thence over U.S. Highway 62 to junction Arkansas Highway 11, thence over Arkansas Highway 11 to junction U.S. Highway 67, thence over U.S. Highway 67 to junction U.S. Highway 67E, and thence over U.S. Highway 67E to Little Rock, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Missouri, Arkansas, Oklahoma, Kansas, Tennessee, Illinois, and Texas.

HEARING: May 19, 1959, at the Arkansas Commerce Commission, Little Rock, Ark., before Joint Board No. 91, or if the Joint Board waives its right to participate, before Examiner James I. Carr.

NOTE: Previously published under No. Hearing.

No. MC 112030 (Sub No. 5), filed April 1, 1959. Applicant: PAUL W. WILLS, INC., 9107 S. Telegraph Road, Taylor, Mich. Applicant's attorney: Rex Eames, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rock salt*, in dump or hopper-type vehicles, from Detroit, Mich., to points in Adams, Allegheny, Armstrong, Beaver, Bedford, Blair, Butler, Cambria, Cameron, Centre, Clarion, Clearfield, Clinton, Crawford, Cumberland, Dauphin, Elk, Erie, Fayette, Forest, Franklin, Fulton, Greene, Huntingdon, Indiana, Jefferson, Juniata, Lawrence, Lycoming, McKean, Mercer, Mifflin, Perry, Potter, Snyder, Somerset, Tioga, Union, Venango, Warren, Washington, Westmoreland, and York Counties, Pa., and to points in Brooke, Hancock, Marshall, and Ohio Counties, W. Va. Applicant is authorized to transport rock salt, in bulk, from Detroit, Mich., to points in Ohio.

NOTE: Applicant states it is also owner of all stock of Salt Transport, Inc., MC-115983; therefore, common control may be involved.

HEARING: May 20, 1959, at the Federal Building, Detroit, Mich., before Examiner Alfred B. Hurley.

No. MC 112049 (Sub No. 6), filed November 24, 1958. Applicant: McBRIDE'S EXPRESS, INC., 1901 Wabash, Mattoon, Ill. Applicant's attorney: Mack Stephenson, 208 East Adams Street, Springfield, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, livestock, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between points in Christian, Coles, Cumberland, Douglas, Effingham, Fayette, Macon, Moultrie, Piatt, and Shelby Counties, Ill. Applicant is authorized to conduct operations in Illinois and Missouri.

HEARING: May 26, 1959, at the U.S. Court Rooms and Federal Bldg., Springfield, Ill., before Joint Board No. 149.

No. MC 112497 (Sub No. 130), filed December 18, 1958. Applicant: HEARIN TANK LINES, INC., 6440 Rawlins Street, Baton Rouge, La. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Acids and chemicals*, in bulk, in tank and hopper vehicles, from McIntosh, Ala., except from the plant site of the Geigy Chemical Corporation to points in Louisiana and Mississippi, except liquid caustic soda to points in Mississippi. Applicant is authorized to conduct operations in Louisiana, Mississippi, Arkansas, Alabama, Georgia, Florida, Tennessee, Texas, North Caro-

lina, Kentucky, Illinois, Indiana, Ohio, New York, New Jersey, Pennsylvania, Virginia, and South Carolina.

HEARING: May 22, 1959, at the Federal Office Building, 600 South Street, New Orleans, La., before Joint Board No. 165, or, if the Joint Board waives its right to participate, before Examiner James I. Carr.

No. MC 112497 (Sub No. 131), filed December 29, 1958. Applicant: HEARIN TANK LINES, INC., 6440 Rawlins Street, Baton Rouge, La. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid wax*, in bulk, in tank vehicles, from Baton Rouge, La., to points in North Carolina and South Carolina. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, California, Indiana, Illinois, Louisiana, Kentucky, Ohio, North Carolina, New York, New Jersey, Mississippi, Missouri, Pennsylvania, South Carolina, Virginia, Texas, and Tennessee.

HEARING: May 22, 1959, at the Federal Office Building, 600 South Street, New Orleans, La., before Examiner James I. Carr.

No. MC 112750 (Sub No. 36), filed February 27, 1959. Applicant: ARMORED CARRIER CORPORATION, a New York Corporation, DeBevoise Bldg., 222-17 Northern Blvd., Bayside, L.I., N.Y. Applicant's attorney: Paul F. Sullivan, 1821 Jefferson Place NW., Washington, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commercial papers, documents and written instruments* (except coin, currency bullion, and negotiable securities) as are used in the business of banks and banking institutions, and *empty containers or other such incidental facilities* (not specified) used in transporting the above commodities, (1) between St. Louis, Mo., on the one hand, and, on the other, points in Illinois in and south of Adams, Brown, Morgan, Macoupin, Montgomery, Fayette, Effingham, Jasper and Crawford Counties, except to the extent presently authorized; (2) between points in the St. Louis, Mo., Commercial Zone, as defined by the Commission, on the one hand, and, on the other, points in Vigo, Sullivan, Knox, Gibson, Posey and Vanderburgh Counties, Ind.; (3) between points in Illinois, located in the St. Louis, Mo., Commercial Zone, as defined by the Commission, on the one hand, and, on the other, points in Missouri. Applicant is authorized to conduct operations in New York, New Jersey, Connecticut, Pennsylvania, Ohio, West Virginia, Delaware, Maryland, Virginia, District of Columbia, Massachusetts, Rhode Island, Illinois, and Missouri.

HEARING: May 28, 1959, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 160.

No. MC 112881 (Sub No. 4), filed February 13, 1959. Applicant: LINDSAY R. HOYT, Mount Pleasant, N.Y. Applicant's attorney: John J. Brady, Jr., 75 State Street, Albany 7, N.Y. Authority

sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rough lumber*, from points in Greene, Ulster, Sullivan, Delaware, Chenango, Schoharie and Schuyler Counties, N.Y., to points in New Hampshire, Massachusetts, Connecticut, Vermont, New Jersey, Pennsylvania, and New York, N.Y., and from points in Pennsylvania to points in Delaware County, N.Y. *Wooden dowels*, from Phoenicia, N.Y., to Reading, Pa. *Returned and rejected shipments* of the commodities specified in this application from the respective destination points to the respective origin points, for the above-specified commodities. Applicant is authorized to conduct operations in Connecticut, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island.

HEARING: May 19, 1959, at the Federal Building, Albany, N.Y., before Examiner Donald R. Sutherland.

No. MC 113435 (Sub No. 1), (Republication), filed February 18, 1959, published issue of April 8, 1959. Applicant: ROBERT SHELLEY AND PAUL GROCE, doing business as, SHELLEY & GROCE (Partnership), Burnside, Ky. Applicant's attorney: Fritz Krueger, Albertson Building, Somerset, Ky. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber*, from Burnside and Somerset, Ky., to Hamilton and Dayton, Ohio; (2) *Feed, seed and fertilizer*, from Cincinnati, Ohio, to Greensburg and Columbia, Ky.

HEARING: Remains as assigned May 12, 1959, at the Kentucky Hotel, Louisville, Ky., before Joint Board No. 37, or if the Joint Board waives its right to participate, before Examiner Harold P. Boss.

NOTE: Previous publication failed to include assignment before Joint Board No. 37.

No. MC 114533 (Sub No. 10), filed March 19, 1959. Applicant: BANKERS DISPATCH CORPORATION, 4658 South Kedzie Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents, and written instruments* (except coins, currency, and negotiable securities) as are used in the conduct and operation of banks and banking institutions, (1) Between Toledo, Ohio, on the one hand, and, on the other, points in Monroe, Wayne, and Lenawee Counties, Mich.; (2) between Detroit, Mich., on the one hand, and, on the other, points in St. Joseph and Elkhart Counties, Ind.; (3) between Niles, Mich., on the one hand, and, on the other, points in St. Joseph County, Ind., and (4) between Toledo, Ohio, on the one hand, and, on the other, Chicago, Ill. Applicant is authorized to conduct operations in Illinois, Indiana, Michigan and Wisconsin.

HEARING: May 19, 1959, at the Federal Building, Detroit, Mich., before Examiner Alfred B. Hurley.

No. MC 115162 (Sub No. 46), filed February 27, 1959. Applicant: WALTER POOLE, doing business as POOLE TRUCK LINE, Evergreen, Ala. Appli-

cant's attorney: Hugh R. Williams, 2284 West Fairview Avenue, P.O. Box 869, Montgomery 2, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *House heating furnaces* (hot air, hot water and steam), and *parts and attachments* therefor, *stoves and ranges* (electric and gas) and *parts and attachments* therefor, *stoves* (gasoline and oil) and *parts and attachments* therefor, *air conditioners*, and *parts and attachments* therefor, *gas radiators*, and *parts and attachments* therefor, and *blowers*, and *parts and attachments* therefor, from the sites of the plants and warehouses of the Coleman Company, Inc., in or near Wichita, Kans., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, and South Carolina. Applicant is authorized to conduct operations throughout the United States.

HEARING: May 14, 1959, at the Hotel Kansas, Topeka, Kans., before Examiner Harold W. Angle.

No. MC 115349 (Sub No. 7), filed January 30, 1959. Applicant: SOUTHERN TIER GARMENT CARRIERS, INC., 180 Front Street, Owego, N.Y. Applicant's attorney: Herman B. J. Weckstein, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel* on hangers, and *materials and supplies* used in the manufacture of wearing apparel, between New York, N.Y., and points in Hudson, Essex, Union, Bergen, Passaic, Middlesex, Monmouth, and Morris Counties, N.J., on the one hand, and, on the other, points in Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Livingston, Monroe, Niagara, Ontario, Orleans, Oswego, Seneca, Wayne, Wyoming, and Yates Counties, N.Y. Applicant is authorized to conduct operations in New Jersey, New York, and Pennsylvania.

HEARING: May 15, 1959, at the Manger Hotel, Rochester, N.Y., before Examiner Donald R. Sutherland.

No. MC 115841 (Sub No. 52), filed February 6, 1959. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, P.O. Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Van Buren, Ark., to sites of public cold storage warehouses in Nashville, Tenn. Applicant is authorized to conduct operations in Alabama, Arkansas, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin.

NOTE: Applicant states that the proposed operations are to be restricted to the transportation of shipments moving for warehousing purposes.

HEARING: May 18, 1959, at the Arkansas Commerce Commission, Little Rock, Ark., before Joint Board No. 38, or, if the Joint Board waives its right to participate, before Examiner James I. Carr.

No. MC 115841 (Sub No. 53), filed Feb-

ruary 12, 1959, published issue of April 8, 1959. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, P.O. Box 2169, Birmingham, Ala. Previous publication gave applicant's docket number as No. MC 115841 (Sub No. 58), in error. The correct docket number is No. MC 115841 (Sub No. 53).

No. MC 116038 (Sub No. 11), filed February 20, 1959. Applicant: NORTHERN MOTOR CARRIERS, INC., Route 9, Saratoga Road, Fort Edward, N.Y. Applicant's attorney: Harold G. Hernly, 1624 Eye Street, NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rock salt*, in bulk, in dump trailers, from points in Westchester, Rockland, Orange, Putnam, Dutchess, Ulster, Greene, Columbia, Albany, Rensselaer, Schenectady, Saratoga, Washington, Warren, Essex and Clinton Counties, N.Y., and those in Chittenden County, Vt., to points in Massachusetts, Connecticut, Vermont, New Hampshire, Maine, and Rhode Island, and *returned and rejected shipments* of the above commodity on return. Applicant is authorized to conduct operations in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont.

HEARING: May 20, 1959, at the Federal Building, Albany, N.Y., before Examiner Donald R. Sutherland.

No. MC 117330 (Sub No. 2), filed February 24, 1959. Applicant: FLEMINGTON TRANSPORTATION, INCORPORATED, 21 Mine Street, Flemington, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt* and *asbestos products*, other than in bulk, from Manville, N.J., to points in Erie, Warren, Crawford, Mercer, Venango, Forrest, Clarion, Jefferson, Butler, Lawrence, Beaver, Washington, Greene, Alleghany, Fayette, West Moreland, and Armstrong Counties, Pa., and *empty containers or other such incidental facilities* (not specified) used in transporting the above commodities, and *rejected and damaged shipments* of the above commodities on return.

NOTE: Applicant states that the above authority will be conducted under a continuing contract or contracts with Johns-Manville Corporation, Manville, N.J.

HEARING: May 21, 1959, at 346 Broadway, New York, N.Y., before Examiner Allen W. Hagerty.

No. MC 117475 (Sub No. 2), filed March 18, 1959. Applicant: INTERSTATE TRANSPORT, INC., P.O. Box 502, Sioux Falls, S. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, as described in Appendix XIII to report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Yankton, S. Dak., and points within ten (10) miles thereof, to points in South Dakota, Nebraska, Iowa, Minnesota, and North Dakota.

HEARING: May 12, 1959, in Room 926, Metropolitan Building, Second Avenue

South and Third Street, Minneapolis, Minn., before Examiner Allan F. Borroughs.

No. MC 118574, filed January 22, 1959. Applicant: HERBERT LIDDLE, Delhi, N.Y. Applicant's attorneys: Hinman, Howard & Kattell, Security Mutual Building, Binghamton, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, (1) from Hancock and Oneonta, N.Y., to Delhi, N.Y.; (2) from Carbondale, Pa., to Delhi and the towns of Hamden, Andes, Bovina, Kortright, Merideth, and Franklin, in Delaware County, N.Y.

HEARING: May 22, 1959, at the Federal Building, Albany, N.Y. before Examiner Donald R. Sutherland.

No. MC 118586, filed January 26, 1959. Applicant: JOHN PHILIPS, West King Street, East Berlin Borough, Adams County, Pa. Applicant's attorney: Russell F. Griest, 117 E. Market Street, York, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime or ground limestone*, from points in Jackson Township, York County, Pa., to points in Frederick, Montgomery, Howard, Carroll, Baltimore, and Harford Counties, Md., and those in Cecil County, Delaware.

HEARING: May 18, 1959, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Joint Board No. 199, or, if the Joint Board waives its right to participate, before Examiner William E. Messer.

No. MC 118587, filed January 26, 1959. Applicant: EDGAR G. HOUSER, JR., R.D. No. 2 (Tyrone Twp.), New Oxford, Adams County, Pa. Applicant's attorney: Russell F. Griest, 117 W. Market Street, York, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime or ground limestone*, from points in Jackson Township, York County, Pa., to points in Frederick, Montgomery, Howard, Carroll, Baltimore, and Harford Counties, Md., and those in Cecil County, Del.

HEARING: May 18, 1959, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Joint Board No. 199, or, if the Joint Board waives its right to participate, before Examiner William E. Messer.

No. MC 118588, filed January 26, 1959. Applicant: LEWIS E. GISE, 197 Filbert Street (West Manchester Twp.), York, Pa. Applicant's attorney: Russell F. Griest, 117 East Market Street, York, Pa. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Lime or ground limestone*, from points in Jackson Township, York County, Pa., to points in Frederick, Montgomery, Howard, Carroll, Baltimore, and Harford Counties, Md., and those in Cecil County, Del.

HEARING: May 18, 1959, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Joint Board No. 199, or, if the Joint Board waives its right to participate, before Examiner William E. Messer.

No. MC 118590, filed January 26, 1959. Applicant: RALPH D. ZINN, R.D. No. 5, Hanover, Adams County, Pa. Appli-

cant's attorney: Russell F. Griest, 117 East Market Street, York, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime or ground limestone*, from points in Jackson Township, York County, Pa., to points in Frederick, Montgomery, Howard, Carroll, Baltimore, and Harford Counties, Md., and those in Cecil County, Del.

HEARING: May 18, 1959, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Joint Board No. 199, or, if the Joint Board waives its right to participate, before Examiner William E. Messer.

No. MC 118603, filed February 2, 1959. Applicant: CARL BLACKWELL, 811 Maryland, Louisiana, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rock phosphate* and *anhydrous ammonia fertilizer*, in bag or bulk, from M.F.A. Plants in Pike County, Ill., to farms in Pike and Lincoln Counties, Mo., and return.

NOTE: Applicant states Pike County, Ill., is just across the State line from Pike County, Mo., and Lincoln County, Mo., joins Pike County in Missouri.

HEARING: May 29, 1959, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 135.

No. MC 118611, filed February 27, 1959. Applicant: JAMES J. HALEY, 61 Gold Street, New York, N.Y. Applicant's attorney: Jerome G. Greenspan, 92 Liberty Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper* (all kinds), including but not limited to *lithographing paper, plain and fancy paper, cardboard, boxboard, and boxes*, between points in Luster, Sullivan, Dutchess, Bronx, Putnam, Westchester, Orange, New York, Kings, Queens, Richmond, Nassau, and Suffolk Counties, N.Y., including points in the New York, N.Y., Commercial Zone, as defined by the Commission, points in Fairfield, New Haven, Middlesex, Litchfield, and Hartford Counties, Conn., points in Pike, Monroe, Bucks, Montgomery, Philadelphia, Lehigh, and Northampton Counties, Pa., and between those in Sussex, Warren, Hunterdon, Mercer, Camden, Atlantic, Burlington, Ocean, Monmouth, Middlesex, Somerset, Morris, Passaic, Essex, Bergen, Hudson, and Union Counties, N.J.

HEARING: May 25, 1959, at 346 Broadway, New York, N.Y., before Examiner Donald R. Sutherland.

No. MC 118632, filed February 13, 1959. Applicant: IRVING A. KLINK, doing business as SONNY'S GARAGE, Glemont, Albany County, N.Y. Applicant's attorney: John J. Brady, Jr., 75 State Street, Albany 7, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and disabled motor vehicles*, (1) from points in Vermont, New Jersey, Massachusetts, Connecticut and New York to Syracuse, Glemont (suburb of Albany), Albany, and Long Island City (New York City), N.Y.; (2) from points in New York on and east of the Hudson River and north to and including Albany, N.Y., but not

including New York City, to points in Vermont and those in Connecticut and Massachusetts on and west of U.S. Highway 5; (3) from points in Pennsylvania on and east of Pennsylvania Highway 611 to Albany, N.Y., and on occasion the return of the above commodities from the above destination points to the above origin points.

HEARING: May 21, 1959, at the Federal Building, Albany, N.Y., before Examiner Donald R. Sutherland.

No. MC 118645, filed February 16, 1959. Applicant: **KEITH SOLOMON AND R. F. SOLOMON**, doing business as **SOLOMON FARM SUPPLY**, R.R. No. 4, Lebanon, Ind. Applicant's attorney: Walter F. Jones, Jr., 1019 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Superphosphate, potash, fertilizer, ammonium nitrate, and lime*, in bulk and in bags, from Danville, Ill., to points in Boone, Hendricks, Clinton, and Hamilton Counties, Ind.; and *Egg cartons*, from Norris, Ill., to New Brunswick (Boone County), Ind.

HEARING: May 19, 1959, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 21.

No. MC 118690, filed February 18, 1959. Applicant: **MAE O. WILLIS**, doing business as **ALABAMA-FLORIDA TRUCK LINES**, 1401—11th Avenue, Tuscaloosa, Ala. Applicant's attorney: J. Douglas Harris, 413 Bell Building, Montgomery, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pipe and pipe fittings*, from Tuscaloosa, Ala., and points within a 10 mile radius thereof; to points in Florida; and (2) *Scrap metal* from points in Florida to Tuscaloosa, Alabama, and points within a 10 mile radius thereof.

HEARING: May 19, 1959, at the U.S. Court Rooms, Montgomery, Ala., before Joint Board No. 98.

No. MC 118695, filed February 19, 1959. Applicant: **JOSEPH F. BARBANO AND JOSEPH BEAN**, a Partnership, doing business as **B & B RENTAL COMPANY**, 112 Farrier Avenue, Oneida, N.Y. Applicant's attorney: Joseph F. Barbano, Oneida, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, bottles, barrels (wood or metal), (a) from Orange, N.J., to Oneida and Syracuse, N.Y.; (b) from Newark, N.J., to Oneida and Syracuse, N.Y.; (c) from Cleveland, Ohio, to Oneida and Utica, N.Y.; and (d) from Pittsburgh, Pa., to Rome and Syracuse, N.Y.; and *empty containers or other such incidental facilities* used in transporting malt beverages, on return movements under (a) through (d) above.

NOTE: Applicant has filed simultaneously with its application a **PETITION TO DISMISS** the said application, applicant also requests that if the Commission rules that such operation is in violation of the provisions of the Interstate Commerce Act, that the application be considered and a hearing held.

HEARING: May 18, 1959, at the Manager Hotel, Rochester, N.Y., before Examiner Donald R. Sutherland.

No. MC 118717, filed February 20, 1959. Applicant: **GRANZOTTO TRUCKING CO., INC.**, 1801 North Broadway, Walnut Creek, Calif. Applicant's attorney: Daniel W. Baker, 625 Market Street, San Francisco 5, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities in bulk*, when moving in dump or hopper-type trucks and trailers, between points in Contra Costa County, Calif., and Ione, Calif., on the one hand, and, on the other, Pittsburg, Calif.

NOTE: Applicant requests the revocation of its contract carrier authority issued to it under Docket No. MC 116588, dated October 29, 1957, concurrently with the granting of the instant application.

HEARING: May 22, 1959, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Joint Board No. 75, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 118721, filed February 24, 1959. Applicant: **WILLIAM McSPIRIT**, Hurley (Ulster County), N.Y. Applicant's attorney: John J. Brady, 75 State Street, Albany 7, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone*, in bulk, from Lee and West Stockbridge, Mass., to points in Ulster and Delaware Counties, N.Y., and *rejected or refused shipments of limestone* on return.

HEARING: May 21, 1959, at the Federal Building, Albany, N.Y., before Examiner Donald R. Sutherland.

No. MC 118744, filed February 25, 1959. Applicant: **SOLBRO TRUCKING CORP.**, a New York corporation, 925 Saw Mill River Road, Yonkers, N.Y. Applicant's attorney: William Biederman, 280 Broadway, New York 7, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in and sold by hardware and general department stores, except furniture, radios, stoves, refrigerators, television sets, and washing machines; from points in the New York, N.Y., Commercial Zone, as defined by the Commission, to points in Connecticut, New Jersey, New York, and Pennsylvania.

HEARING: May 25, 1959, at 346 Broadway, New York, N.Y., before Examiner Donald R. Sutherland.

No. MC 118747, filed March 2, 1959. Applicant: **YVES COTE**, doing business as **QUEBEC MOVING & WAREHOUSING REGD.**, 72-74 Jacques Cartier Avenue, Quebec City, Quebec, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between ports of entry in New York on the International Boundary line between the United States and Canada and points in New York.

HEARING: May 14, 1959, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Donald R. Sutherland.

No. MC 118761, filed March 6, 1959. Applicant: **DORSEY HUSSEY AND G. F. ANDRE**, doing business as **HUSSANN**

TRANSPORTATION, Route 3, Northfield, Minn. Applicant's attorney: Burton R. Sawyer, 408 Division Street, Northfield, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Woodworking machinery* manufactured or distributed by Northfield Foundry & Machine Co., of Northfield, Minn., packaging and like machinery manufactured or distributed by G. T. Schjeldahl Co., of Northfield, Minn., *plastic buildings of all sizes, pool tables and balls, parts for all such machinery*, some of which requires special truck machinery for handling, from Northfield, Minn., to points in Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin, and *50 gallon steel drums and contents, pool balls, merchandise for mail order house, mylar plastic film and resin*, all items enumerated above, on return.

HEARING: May 12, 1959, in Room 926, Metropolitan Building, Second Avenue South and Third Street, Minneapolis, Minn., before Examiner Allan F. Burroughs.

No. MC 118776, filed March 11, 1959. Applicant: **CARL L. CONNORS**, doing business as **C. L. CONNORS**, 2204 Sycamore, Quincy, Ill. Applicant's attorney: Mack Stephenson, 208 East Adams Street, Springfield, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal, building materials, and road construction materials*, in bulk, in dump trucks, between points in Hancock, McDonough, Schuyler, Adams, Brown, Cass, Morgan, Scott, and Pike Counties, Ill., on the one hand, and, on the other, points in Clark, Scotland, Knox, Lewis, Shelby, Marion, Monroe, Ralls, and Pike Counties, Mo., and points in Lee County, Iowa; *steel and steel products*, from barge terminals on the Mississippi River at Quincy, Ill., to points in Hancock, McDonough, Schuyler, Adams, Brown, Cass, Morgan, Scott and Pike Counties, Ill., points in Clark, Scotland, Knox, Lewis, Shelby, Marion, Monroe, Ralls, and Pike Counties, Mo., and points in Lee County, Iowa.

NOTE: Applicant states it is filing an application under the Second Proviso of section 206(a)(1) of the Interstate Commerce Act simultaneously with the instant application, but if and when the instant application is granted, applicant will surrender the second proviso filing.

HEARING: May 22, 1959, at the U.S. Court Rooms and Federal Bldg., Springfield, Ill., before Joint Board No. 46.

No. MC 118794, filed March 18, 1959. Applicant: **HALLWAY, INC.**, 1408 West Governor, Springfield, Ill. Applicant's attorneys: Robert A. Stuart, First National Bank Building, Springfield, Ill., and Mack Stephenson, 208 First Adams Street, Springfield, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transport-

ing: *Iron and steel articles*, as defined by the Commission in Group III of Appendix V, *Descriptions in Motor Carrier Certificates*, Ex Parte No. MC-45, (1) from the site of the Armco Drainage & Metal Products, Inc., plant, at Springfield, Ill., to points in Bartholomew, Brown, Clark, Clay, Crawford, Daviess, Decatur, Dubois, Floyd, Fountain, Gibson, Greene, Hancock, Harrison, Hendricks, Jackson, Jefferson, Jennings, Johnson, Knox, Lawrence, Marion, Martin, Monroe, Montgomery, Morgan, Orange, Owen, Parke, Perry, Pike, Posey, Putnam, Ripley, Rush, Scott, Shelby, Spencer, Sullivan, Switzerland, Vanderburgh, Vermillion, Vigo, Warren, Warrick, and Washington Counties, Ind.; (2) between the plant sites of the Armco Drainage & Metal Products, Inc., at Springfield, Ill., and South Bend, Ind.; (3) from the site of the Armco Drainage & Metal Products, Inc., plant at South Bend, Ind., to points in Illinois; and *Damaged or rejected shipments* of the above-described commodities, from the above-specified destination points to the respective origin points.

HEARING: May 25, 1959, at the U.S. Court Rooms and Federal Bldg., Springfield, Ill., before Joint Board No. 21.

No. MC 118836, filed March 31, 1959. Applicant: MODERN TRANSFER CO., INC., Hanover Avenue and Maxwell Street, Allentown, Pa. Applicant's attorney: William Biederman, 280 Broadway, New York 7, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Portland, hydraulic and masonry cement*, in bulk or tank or hopper-type vehicles, and in bags, packages, or other containers, from the plant site of the Universal Atlas Cement Division, United States Steel Corporation, at Northampton, Northampton County, Pa., to points in Connecticut, Delaware, the District of Columbia, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, and *rejected and returned shipments* of the above commodities on return. Applicant is authorized to conduct common carrier operations in Pennsylvania, New York, New Jersey, the District of Columbia, Connecticut, Delaware, Maryland, Massachusetts, Rhode Island, Virginia, and Ohio.

NOTE: Applicant states that the above transportation will be conducted under a continuing contract with the above named shipper.

HEARING: May 5, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lawrence A. Van Dyke, Jr., for the purpose of receiving applicant's evidence.

No. MC 120107 (Sub No. 1), filed March 4, 1959. Applicant: MUSKE MACHINERY CARTAGE, INC., P.O. Box 93, Franklin Grove, Ill. Applicant's representative: W. L. Jordan, 201-2 Merchants Savings Building, 7 South Sixth Street, Terre Haute, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* which, by reason of size or weight, require the use of special equipment, and of *parts and attach-*

ments, and of *related machinery* and *related contractors' materials* and supplies when their transportation is incidental to the transportation of commodities which, by reason of size or weight require use of special equipment, (1) between points in Illinois, and (2) between points in Illinois, Iowa, Minnesota, and Wisconsin.

NOTE: Applicant is authorized to conduct operations under the Second Proviso of section 206(a)(1) of the Interstate Commerce Act in No. MC 120107 (Illinois Certificate No. 7209 MC). Applicant states it understands that upon approval of any authority herein sought, registration of the Illinois Certificate under the Second Proviso will be rescinded.

HEARING: May 21, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Alfred B. Hurley.

MOTOR CARRIERS OF PASSENGERS

No. MC 228 (Sub No. 24), filed January 30, 1959. Applicant: HUDSON TRANSIT LINES, INC., Franklin Turnpike, Mahwah, N.J. Applicant's attorney: James F. X. O'Brien, 17 Academy Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in one-way or round-trip charter operations, beginning at points in Nassau and Suffolk Counties, N.Y., and extending to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, and the District of Columbia. Applicant is authorized to conduct operations in New York, New Jersey, Pennsylvania, Delaware, Maryland, and Rhode Island.

HEARING: April 27, 1959, at the U.S. Army Reserve Bldg., 30 West 44th Street, New York, N.Y. before Examiner Allen W. Hagerty.

No. MC 3647 (Sub No. 250), filed February 6, 1959. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, 180 Boyden Avenue, Maplewood, N.J. Applicant's representative: Richard Fryling (General Council), 180 Boyden Avenue, Maplewood, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers, between Camden, N.J., and Washington Township (Turnerville) N.J.; from the City of Camden, N.J., over city streets and the North-South Freeway (Highway 42) to Junction with the Black Horse Pike (New Jersey Highway 168) at Washington Township (Turnerville) N.J., and return over the same route, serving all intermediate points and access roads so as to connect or join with intersecting highways. Applicant is authorized to conduct operations in the District of Columbia, New Jersey, New York, Pennsylvania, and Virginia.

HEARING: May 22, 1959, at the New Jersey Board of Public Utility Commissioners, State Office Building, Raymond Boulevard, Newark, N.J., before Joint Board No. 119.

No. MC 3647 (Sub No. 251), filed February 27, 1959. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, a Corporation, 180 Boyden Avenue, Maplewood, N.J. Applicant's attorney: Richard Fryling, Public Service Coordinated Transport, 180 Boyden Avenue, Maplewood, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over a *regular route*, transporting: *Passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers, between Laureilton, Brick Township, N.J., and Green Island, Dover Township, N.J., from Laureilton Circle, Brick Township (junction New Jersey Highways 70 and 88) over New Jersey Highway 70 to New Jersey Highway 549, thence over New Jersey Highway 549 through Silverton, N.J., to Green Island Road, Dover Township, thence over Green Island Road to Green Island, Dover Township, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in New Jersey, New York, Pennsylvania, Virginia, and the District of Columbia.

HEARING: May 19, 1959, at the New Jersey Board of Public Utility Commissioners, State Office Building, Raymond Boulevard, Newark, N.J., before Joint Board No. 119.

No. MC 3647 (Sub No. 256), filed March 17, 1959. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, a corporation, 180 Boyden Avenue, Maplewood, N.J. Applicant's attorney: Richard Fryling, Law Department, 180 Boyden Avenue, Maplewood, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations, in round-trip sightseeing or pleasure tours, beginning and ending at Points in Nassau and Suffolk Counties, Long Island, N.Y., and extending to points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Delaware, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Tennessee, Kentucky, Missouri, Ohio, Indiana, Illinois, Michigan, and the District of Columbia. Applicant is authorized to conduct operations in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia.

NOTE: Applicant states it will be available for service at all times.

HEARING: April 27, 1959, at The U.S. Army Reserve Bldg., 30 West 44th Street, New York, N.Y., before Examiner Allen W. Hagerty.

No. MC 3700 (Sub No. 42), filed February 9, 1959. Applicant: MANHATTAN TRANSIT COMPANY, a corporation, U.S. Highway 46, East Paterson, N.J. Applicant's attorney: Robert E. Goldstein, 24 West 40th Street, New York 18, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in one-way and

round-trip charter operations, from points in Nassau and Suffolk Counties, Long Island, N.Y., to points in the United States. Applicant is authorized to conduct operations in New York, New Jersey, Connecticut, Pennsylvania, the District of Columbia, Delaware, Maine, Maryland, Massachusetts, North Carolina, New Hampshire, Rhode Island, Tennessee, Vermont, and Virginia.

NOTE: Applicant states some of its officers and stockholders are also officers and stockholders of Mohawk Coach Lines, Inc., and Westwood Transportation Lines, Inc.; therefore, common control may be involved.

HEARING: April 27, 1959, at The U.S. Army Reserve Bldg., 30 West 44th Street, New York, N.Y., before Examiner Allen W. Hagerty.

No. MC 22589 (Sub No. 9), filed February 16, 1959. Applicant: CAMPUS TRAVEL, INC., doing business as CAMPUS COACH LINES, 545 Fifth Avenue, New York, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in one way and round-trip charter operations, (1) beginning and ending at points in Nassau and Suffolk Counties within 50 miles of the Borough of Manhattan, N.Y., and extending to points in Maine, New Hampshire, Vermont, Alabama, Florida, Georgia, North Carolina, South Carolina, Illinois, Indiana, Iowa, Kentucky, Michigan, Ohio, Wisconsin, Arkansas, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, Texas, Minnesota, Montana, North Dakota, South Dakota, Colorado, Kansas, Nebraska, Wyoming, Arizona, California, Nevada, New Mexico, Utah, Idaho, Oregon, and Washington; (2) beginning and ending at points in Suffolk County beyond 50 miles of the Borough of Manhattan, N.Y., and extending to points in the United States. Applicant is authorized to conduct operations in New York, New Jersey, Pennsylvania, Massachusetts, Connecticut, Rhode Island, Delaware, Maryland, Virginia, West Virginia, and the District of Columbia.

HEARING: April 27, 1959, at The U.S. Army Reserve Bldg., 30 West 44th Street, New York, N.Y., before Examiner Allen W. Hagerty.

No. MC 22589 (Sub No. 10), filed February 16, 1959. Applicant: CAMPUS TRAVEL, INC., doing business as CAMPUS COACH LINES, 545 Fifth Avenue, New York, N.Y. Applicant's attorney: Robert E. Goldstein, 24 West 40th Street, New York 18, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, and *newspapers*, and *express* in the same vehicles with passengers, between the junction of U.S. Highways 80 and 46 in Morris County, N.J., and the junction of U.S. Highway 80 and New Jersey Highway 15, over U.S. Highway 80, serving all intermediate points. Applicant is authorized to conduct operations in New York, New Jersey, Pennsylvania, Massachusetts, Connecticut, Rhode Island, Delaware, Maryland, Virginia, West Virginia, and the District of Columbia.

HEARING: May 18, 1959, at the New Jersey Board of Public Utility Commissioners, State Office Building, Raymond Boulevard, Newark, N.J., before Joint Board No. 119.

No. MC 30787 (Sub No. 3), filed February 26, 1959. Applicant: NIAGARA SCENIC BUS LINE, INC., 328 Main Street, Niagara Falls, N.Y. Applicant's attorney: S. Harrison Kahn, 1110-14 Investment Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, (1) in special operations on round-trip sightseeing or pleasure tours, beginning and ending at points in Erie County, N.Y., and extending to Niagara Falls, N.Y.; (2) in special operations on round-trip sightseeing or pleasure tours, beginning and ending at points in Erie County, N.Y., and extending to ports of entry on the international boundary line between the United States and Canada at Niagara Falls and Lewiston, N.Y., via available crossings, including bridges; (3) in special operations, in sightseeing or pleasure tours, between ports of entry on the international boundary line between the United States and Canada at Niagara Falls, Lewiston and Fort Niagara, via available crossings, including bridges. Applicant is authorized to conduct operations in New York.

HEARING: May 12, 1959, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Donald R. Sutherland.

No. MC 59768 (Sub No. 4), filed February 18, 1959. Applicant: COSMOPOLITAN TOURIST CO., INC., 35-10 43d Street, Long Island City, N.Y. Applicant's attorney: Robert E. Goldstein, 24 West 40th Street, New York 18, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers in one-way and round-trip charter operations, beginning and ending at points in Nassau and Suffolk Counties, N.Y., and extending to points in the United States. Applicant is authorized to conduct operations throughout the United States.

HEARING: April 27, 1959, at The U.S. Army Reserve Building, 30 West 44th Street, New York, N.Y., before Examiner Allen W. Hagerty.

No. MC 66582 (Sub No. 21), filed January 30, 1959. Applicant: ORANGE & BLACK BUS LINES, INC., 419 Anderson Avenue, Fairview, N.J. Applicant's attorney: F. X. O'Brien, 17 Academy Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in one-way or round-trip, charter operations, beginning at points in Nassau and Suffolk Counties, N.Y., and extending to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, and the District of Columbia. Applicant is authorized to

conduct operations in New Jersey, Connecticut, Massachusetts, New York, Pennsylvania, and the District of Columbia.

HEARING: April 27, 1959, at The U.S. Army Reserve Bldg., 30 West 44th Street, New York, N.Y., before Examiner Allen W. Hagerty.

No. MC 73133 (Sub No. 4), filed February 25, 1959. Applicant: MAYFLOWER COACH CORP., 1590 East 233d Street, Bronx 66, N.Y. Applicant's attorney: Edward M. Alfano, 36 West 44th Street, New York 36, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round trip charter operations, beginning and ending at points in Dutchess, Putnam and Westchester Counties, N.Y., and extending to points in the United States including the new State of Alaska. Applicant is authorized to conduct operations in New York, New Jersey, Connecticut, and the District of Columbia.

HEARING: May 26, 1959, at 346 Broadway, New York, N.Y., before Examiner Donald R. Sutherland.

No. MC 109312 (Sub No. 30), filed April 8, 1959. Applicant: DECAMP BUS LINES, A New Jersey Corporation, 30 Allwood Road, Clifton, N.J. Applicant's attorney: James F. X. O'Brien, 17 Academy Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, between the junction of Mississippi Avenue and Harrison Avenue and the junction of Eagle Rock Avenue and Pleasant Valley Way, in West Orange, N.J., from the junction of Mississippi Avenue and Harrison Avenue over Harrison Avenue to the junction of Eagle Rock Avenue, thence over Eagle Rock Avenue to the junction of Pleasant Valley Way, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in New Jersey and New York.

HEARING: April 28, 1959, at the New Jersey Board of Public Utility Commissioners, State Office Building, Raymond Boulevard, Newark, N.J., before Joint Board No. 119.

No. MC 109736 (Sub No. 11), filed February 16, 1959. Applicant: CAPITOL BUS COMPANY, a corporation, 4th and Chestnut Streets, Harrisburg, Pa. Applicant's attorney: James E. Wilson, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, mail and newspapers* in the same vehicle with passengers, between Harrisburg, Pa., and Atlantic City, N.J. from Harrisburg over U.S. Highway 230 to the junction of U.S. Highway 30, thence over U.S. Highway 30 to the junction of Pennsylvania Highway 41, thence over Pennsylvania Highway 41 to the Pennsylvania-Delaware State line, thence over Delaware Highway 41 to the junction of U.S. Highway 40, thence over U.S. Highway 40 to Atlantic City, and return over the same route, serving no intermediate points.

HEARING: May 20, 1959, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Joint Board No. 255, or, if the Joint Board waives its right to participate, before Examiner William E. Messer.

No. MC 114480 (Sub No. 1), filed March 12, 1959. Applicant: JET-BASE SHORT WAY, INC., Box 468, Jamestown, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express, newspapers and mail*, in the same vehicle with passengers, between Jamestown over U.S. Highway 52 to Carrington, thence over U.S. Highway 281 to New Rockford, thence over North Dakota Highway 15 to Fessenden, thence over U.S. Highway 52 to Minot, and return over the same route, serving all intermediate points, in lieu of present route between Jamestown and Minot, N. Dak., over U.S. Highway 52. Applicant is authorized to conduct operations in North Dakota.

HEARING: June 5, 1959, at the North Dakota Public Service Commission, Bismarck, N. Dak., before Joint Board No. 300.

No. MC 115891 (Sub No. 1), filed February 4, 1959. Applicant: INTER-COUNTY MOTOR COACH, INC., 243 Deer Park Avenue, Babylon, N.Y. Applicant's representative: William D. Traub, 10 East 40th Street, New York 16, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round-trip charter operations, beginning and ending at points in Nassau and Suffolk Counties, N.Y., and extending to points in the United States, including Alaska, except points in Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and the District of Columbia. Applicant is conducting operations in each of the above excepted States and the District of Columbia.

HEARING: April 27, 1959, at The U.S. Army Reserve Bldg., 30 West 44th St., New York, N.Y., before Examiner Allen W. Hagerty.

No. MC 117857, filed November 17, 1958. Applicant: JAMES A. CLARK, doing business as WARSAW CAB SERVICE, 310 Main, Warsaw, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and small packages*, in the same vehicle with passengers, between Warsaw, Ill., and Keokuk, Iowa: from Warsaw over city streets to junction Illinois Highway 96, thence over Illinois Highway 96 to junction U.S. Highway 136 at Hamilton, Ill., with pick-up and discharge of passengers, thence over Broadway Street in Hamilton to junction U.S. Highway 218, and thence over U.S. Highway 218 to Keokuk and to the plant site of the Dryden Rubber Co. at 26th and Main St. in Keokuk, and return over the same route, serving Warsaw and Keokuk, and also serving intermediate stops at factories within the city limits of Keokuk, Iowa.

HEARING: May 21, 1959, at the U.S. Court Rooms and Federal Bldg., Springfield, Ill., before Joint Board No. 54.

No. MC 118790, filed March 16, 1959. Applicant: UTAH VALLEY TRANSIT, a corporation, 710 South Third West, Payson, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in round-trip special or charter operations, beginning and ending at points in Utah and Wasatch Counties, Utah, and extending to points in Arizona, New Mexico, Colorado, Wyoming, Idaho, Montana, Utah, Nevada, and California.

HEARING: May 27, 1959, at the Utah Public Service Commission, Salt Lake City, Utah, before Examiner Alton R. Smith.

APPLICATIONS FOR BROKERAGE LICENSES

MOTOR CARRIER OF PROPERTY

No. MC 12687, filed December 12, 1958. Applicant: JOS. CATTO, PHILIP CATTO, JR., AND TAFT D. SYKES, doing business as GULF BANANA CO., 1549 Owens Boulevard, New Orleans 22, La. For a license (BMC 4) to engage in operations as a *broker* at New Orleans, La., in arranging for the transportation by motor vehicle, in interstate or foreign commerce, of *Bananas*, from points in Louisiana to points in Indiana, Kentucky, Ohio, Michigan, Missouri, Alabama, Georgia, South Carolina, and Texas.

HEARING: May 21, 1959, at the Federal Office Building, 600 South Street, New Orleans, La., before Joint Board No. 164, or, if the Joint Board waives its right to participate, before Examiner James I. Carr.

No. MC 12688, filed December 9, 1958. Applicant: MAX GERRICK AND B. A. DECK, doing business as GERRICK & DECK BANANA COMPANY, 3623 Airline Highway, Metairie, La. For a License (BMC 4) authorizing operations as a *broker* at Metairie, La., in arranging for the transportation in interstate or foreign commerce, by motor vehicle, of *Fruits*, including bananas and coconuts, and *vegetables*, between points in the United States.

HEARING: May 21, 1959, at the Federal Office Building, 600 South Street, New Orleans, La., before Joint Board No. 164, or, if the Joint Board waives its right to participate, before Examiner James I. Carr.

No. MC 12695, filed February 27, 1959. Applicant: CARROLL W. HALE, 336 15th Street, New Cumberland, Pa. For a License (BMC 4) to engage in operations as a *broker* at Cumberland, Pa., in arranging for the transportation by motor vehicle, in interstate or foreign commerce, of *general commodities, including commodities of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment*, between points in the United States.

NOTE: Applicant states insofar as representation of motor carriers is concerned he intends to be able to offer carriage throughout the United States, and where he acts as

representative for shippers, he intends to offer services only in Pennsylvania.

HEARING: May 21, 1959, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Examiner William E. Messer.

MOTOR CARRIERS OF PASSENGERS

No. MC 12439 (Sub No. 1), filed February 10, 1959. Applicant: ROAMER TOURS, INC., Fifth and Washington Streets, Reading, Pa. Applicant's attorney: John W. Dry, 541 Penn Street, Reading, Pa. For a license (BMC 5) to engage in operations as a *broker* at Reading, Laureldale, Allentown and Harrisburg, Pa., in arranging for the transportation by motor vehicle in interstate or foreign commerce of *passengers and their baggage*, in all-expense tours, between Harrisburg, Pa., and points in Pennsylvania within 15 miles thereof, on the one hand, and, on the other, points in the United States. In License No. MC 12439 applicant is authorized in operations as a *broker* at Reading and Laureldale, Pa., of passengers and their baggage, in all-expense tours, between Reading, Pa., and points in Pennsylvania within 50 miles thereof, on the one hand, and, on the other, points in the United States.

HEARING: May 19, 1959, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Joint Board No. 65, or if the Joint Board waives its right to participate, before Examiner William E. Messer.

No. MC 12692, filed February 4, 1959. Applicant: JOHN J. BRADY, 7 Delaware Street, Albany, N.Y. Applicant's attorney: Garrett A. Roche, Jr., Seventy Five State Street, Albany, N.Y. For a license (BMC 5) to engage in operations as a *broker*, at Albany, N.Y., in arranging for the transportation of *individual passengers and groups of passengers and their baggage*, beginning and ending at points in Albany, Rensselaer and Schenectady Counties, N.Y., and extending to points in the United States.

HEARING: May 19, 1959, at the Federal Building, Albany, N.Y., before Examiner Donald R. Sutherland.

No. MC 12694, filed February 25, 1959. Applicant: FRANK H. ALBRIGHT, doing business as MOUNTAIN VIEW TOURS, Ely Street, Cocksackie, N.Y. Applicant's attorney: James F. X. O'Brien, 17 Academy Street, Newark 2, N.J. Authority sought to operate as a *Broker* (BMC 5) at Cocksackie and Albany, N.Y., in arranging for transportation in interstate or foreign commerce by motor vehicle of: *Passengers and their baggage*, in special or charter service, in round-trip all expense tours, beginning and ending at Cocksackie, N.Y., and points within 35 miles thereof, and extending to points in the United States.

NOTE: Applicant states it is the President and Director and principal stockholder of Mountain View Coach Lines, Inc., Cocksackie, N.Y., common carrier of passengers, Certificate No. MC 47495 and subnumber thereunder.

HEARING: May 20, 1959, at the Federal Building, Albany, N.Y., before Examiner Donald R. Sutherland.

No. MC 12700, filed March 19, 1959. Applicant: PHYLLIS A. ROGAL AND BRUCE A. ROGAL, doing business as ROGAL TRAVEL SERVICE, 220 Locust Street, Harrisburg, Pa., and also doing business as PENN STATE TRAVEL, 23 Metzger Building, State College, Pa. Applicant's attorney: Robert H. Griswold, Commerce Building (P.O. Box 432), Harrisburg, Pa. For a license (BMC 5) authorizing operations as a broker at Harrisburg, Pa., and State College, Pa., in arranging for transportation in interstate or foreign commerce, by motor vehicle, of *Passengers and their baggage*, in the same vehicle with passengers, both as individuals and groups, in special and charter operations, all-expense and partial-expense conducted tours, between points in the United States.

NOTE: Applicants state that they propose to procure business by direct personal solicitation, newspaper advertising, radio or television announcements, periodicals, and direct mail.

HEARING: May 19, 1959, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Joint Board No. 65, or if the Joint Board waives its right to participate, before Examiner William E. Messer.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 126 (Sub No. 20), filed March 30, 1959. Applicant: HUEY MOTOR EXPRESS, a corporation, 1040 Flint Street, Cincinnati, Ohio. Applicant's attorney: Robert H. Kinker, Seventh Floor, McClure Building, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving points in Carroll, Gallatin, Henry, Oldham, and Trimble Counties, Ky., located within 5 miles of U.S. Highway 42, as off-route points in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Kentucky and Ohio.

No. MC 20992 (Sub No. 6), filed April 3, 1959. Applicant: WILLIAM DOT-SETH, Rural Route, Knapp, Wis. Applicant's attorney: W. P. Knowles, New Richmond, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm wagons, feed mill chassis and assembled portable feedmixers* manufactured by the Green Isle Manufacturing Company, from Green Isle, Minn., to points in Wisconsin, Illinois, Iowa, North Dakota, and South Dakota, and *refused or rejected shipments of machinery or parts and returned machines* for repair on return. Applicant is authorized to conduct operations in Minnesota and Wisconsin.

NOTE: Applicant states that the assembled portable feedmixers weigh 2000 pounds and are bulky and shipped uncrated being 6 feet wide, 12 feet long and 8 feet high, and the farm wagons weigh approximately 500 pounds

and the feed mill chassis weigh about 1300 pounds.

No. MC 44290 (Sub No. 12), filed April 1, 1959. Applicant: HUSMANN & ROPER FREIGHT LINES, INC., 1717 North Broadway, St. Louis 6, Mo. Applicant's attorney: George F. Gunn, Jr., 1230 Boatmen's Bank Building, St. Louis 2, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Springfield, Mo., and Lebanon, Mo.: from Springfield over U.S. Highway 66 to Lebanon, and return over the same route, serving Lebanon for joinder purposes only, as an alternate route for operating convenience only, in connection with applicant's authorized regular routes between East St. Louis, Ill., and Springfield, Mo. Applicant is authorized to conduct operations in Missouri, Ohio, Kentucky, and Illinois.

No. MC 52460 (Sub No. 47), filed March 30, 1959. Applicant: HUGH BREEDING, INC., 1420 West 35th Street, P.O. Box 9515, Tulsa, Okla. Applicant's attorney: James W. Wrape, 2111 Sterick Building, Memphis 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement add mix and concrete add mix* (known as Septamene), in liquid form, in bulk, in tank vehicles, between Tulsa, Okla., on the one hand, and, on the other, points in Arkansas, except points in that part of Arkansas bounded on the north by U.S. Highway 64 and on the east by U.S. Highway 65, and except points on the specified highways and points within ten (10) miles of Little Rock, Ark., and points in Missouri, except points in that part of Missouri bounded on the north by U.S. Highway 54 and on the east by U.S. Highway 65, and except points on the specified highways. Applicant is authorized to conduct operations in Arkansas, Oklahoma, Illinois, Kansas, Louisiana, Missouri, New Mexico, Tennessee, and Texas.

NOTE: Applicant is authorized in Certificate No. MC 52460 Sub No. 40, to transport the above-specified commodities between Tulsa, Okla., on the one hand, and, on the other, the excepted portions in Arkansas and Missouri, and files the instant application for the purpose of serving all points in Arkansas and Missouri. No duplicating authority is sought.

No. MC 66562 (Sub No. 1484) (CORRECTION), filed March 20, 1959, published issue April 1, 1959 at Page 2552. Applicant: RAILWAY EXPRESS AGENCY, INC., 219 East 42d Street, New York 17, N.Y. Applicant's attorney: Robert C. Boozer, Suite 1220, The Citizens and Southern National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Class A and B explosives*, moving in express service, between Valdosta, Ga., and Nashville, Ga., from Valdosta, over Georgia Highway 125 to junction U.S. Highway 129 at Ray City, thence over

U.S. Highway 129 to Nashville, and return over the same route, serving no intermediate points; and (2) between Nashville, Ga., and Valdosta, Ga., from Nashville, over Georgia Highway 76 to Adel, thence over U.S. Highway 41 through Hahira, to Valdosta, and return over the same route, serving the intermediate points of Adel and Hahira, Ga. RESTRICTIONS: (1) The service to be performed by applicant shall be limited to service which is auxiliary to or supplemental of air or railway express service; and (2) shipments transported by applicant shall be limited to those moving on a through bill of lading or express receipt covering, in addition to a motor carrier movement by applicant, an immediately prior or immediately subsequent movement by rail or air. Applicant is authorized to conduct operations throughout the United States.

No. MC 102608 (Sub No. 14), filed March 26, 1959. Applicant: BURLINGTON CHICAGO CARTAGE, INC., 604 North Tremont Street, Kewanee, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the new location of the United States Gypsum Company plant, located approximately thirteen (13) miles north of Burlington, Iowa and one mile southwest of Mediapolis, Iowa, and one mile west of U.S. Highway 61, as an off-route point in connection with applicant's authorized regular route operations between Burlington, Iowa and Chicago, Ill. Applicant is authorized to conduct operations in Illinois, Iowa, Missouri, and Nebraska.

No. MC 112540 (Sub No. 6), filed March 27, 1959. Applicant: RED TRUCK LINE, INC., 2601 Broadway Road, Minneapolis, Minn. Applicant's attorney: Clay R. Moore, 1100 First National-Soo Line Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, over the following alternate routes, serving no intermediate points: (1) between Detroit Lakes, Minn., and the junction of U.S. Highways 59 and 2 near Erskine, Minn., over U.S. Highway 59; (2) between junction of U.S. Highways 59 and 2 and Thief River Falls, Minn., over U.S. Highway 59; (3) between the junction of U.S. Highways 59 and 2 and Crookston, Minn., over U.S. Highway 2; (4) between Crookston, Minn., and Thief River Falls, Minn., from Crookston over U.S. Highway 2 to the junction of Minnesota Highway 32 near Marcoux, thence over Minnesota Highway 32 to Thief River Falls, and return over the same route; (5) between Thief River Falls, Minn., and East Grand Forks, Minn., from Thief River Falls over Minnesota Highway 1 to its junction with Minnesota Highway 220, thence over Minnesota Highway 220 to East Grand Forks, and return over the same route;

(6) between the junction of Minnesota Highway 32 and U.S. Highway 10 near Hawley and the junction of Minnesota Highway 32 and U.S. Highway 2 near Marcoux, over Minnesota Highway 32; (7) between the junction of U.S. Highway 59 and Minnesota Highway 31 near Mahanomen and the junction of Minnesota Highways 31 and 32 near Heiberg over Minnesota Highway 31; (8) between the junction of Minnesota Highways 32 and 102 near Fertile and the junction of Minnesota Highway 9 and U.S. Highway 2, from the junction of Minnesota Highways 32 and 102 over Minnesota Highway 102 to the junction of Minnesota Highway 9, thence over Minnesota Highway 9 to the junction of U.S. Highway 2, and return over the same route. Applicant is authorized to conduct operations in Minnesota, North Dakota and Wisconsin.

No. MC 113604 (Sub No. 1), filed April 2, 1959. Applicant: C. C. STARCHER, doing business as STARCHER'S TRANSFER, Charmco, W. Va. Applicant's attorney: Charles E. Anderson, United Carbon Building, Charleston 25, W. Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and building materials and supplies* (except lumber), from Rainelle, W. Va., to points in Kentucky, Ohio, Pennsylvania, Virginia, Maryland, and North Carolina.

NOTE: Applicant states the above is requested in lieu of the authority as to lumber and building materials and supplies (except lumber) granted to applicant in Certificate No. MC 113604, dated February 12, 1954.

No. MC 114106 (Sub No. 14), filed March 27, 1959. Applicant: MAYBELLE TRANSPORT COMPANY, a corporation, P.O. Box 461, 1820 South Main Street, Lexington, N.C. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place, NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup*, in bulk, in tank vehicles, from Atlanta, Ga., to points in North Carolina. Applicant is authorized to conduct operations in North Carolina, South Carolina, Virginia, Tennessee, and Georgia.

NOTE: Applicant states it now transports liquid sugar and corn syrup from origins in North Carolina to points in Georgia, and that the proposed operation is in the same territory but in the reverse direction. Applicant is also authorized to conduct operations as a contract carrier in Permit No. MC 115176; therefore, dual operations under section 210 may be involved.

No. MC 117068 (Sub No. 1), filed April 6, 1959. Applicant: HERBERT H. SCHULTZ, doing business as MIDWEST HARVESTORE TRANSPORT, P.O. Box 1036, Rochester, Minn. Applicant's attorney: Hoyt Crooks, 842 Raymond Avenue, St. Paul 14, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silos*, steel, glass-enameled, knocked down or in sections, and, *component parts thereof including silo loading and unloading devices and materials incidental to the erection and completion of such silos*, from Kankakee, Ill., to points

in Wisconsin, Nebraska and Michigan, and *silo sections, parts, loading and unloading devices, machinery and accessories* to A. O. Smith factory at Kankakee for silo repair, reconditioning or assembly in silo units, on return. Applicant is authorized to conduct operations in Illinois, Iowa, Minnesota, North Dakota, and South Dakota.

No. MC 118829, filed March 27, 1959. Applicant: PAUL HYBART, Franklin, Monroe County, Ala. Applicant's attorney: J. Douglas Harris, 413-414 Bell Building, Montgomery 4, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Franklin and Vredenburgh, Ala., and points within 10 miles of each, to points in Alabama, Florida, Georgia, Tennessee, Mississippi, Louisiana, Kentucky, and Ohio. *Fertilizer*, from points in Alabama, Florida, Georgia, Tennessee, Mississippi, Louisiana, Kentucky, and Ohio to Franklin and Vredenburgh, Ala., and points within 10 miles of each.

MOTOR CARRIERS OF PASSENGERS

No. MC 83928 (Sub No. 4), filed February 26, 1959. Applicant: COLONIAL COACH LINES, LIMITED, 265 Albert Street, Ottawa, Ontario, Canada. Applicant's attorney: William O. Turney, 2001 Massachusetts Ave. NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round-trip charter operations, beginning and ending at ports of entry on the international boundary line between the United States and Canada located in Maine, New Hampshire, Vermont, New York, Michigan and Minnesota and extending to points in the United States, including Alaska, restricted to charter parties originating in Canada. Applicant is authorized to conduct operations in New York.

No. MC 86627 (Sub No. 4), filed March 23, 1959. Applicant: UNION PACIFIC RAILROAD COMPANY, a Corporation, 1416 Dodge Street, Omaha, Nebr. Applicant's attorney: W. R. Rouse, V.P. & Western General Counsel, Union Pacific Railroad Company (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express*, between Shoshone, Idaho, and Sun Valley, Idaho: from Shoshone over U.S. Highway 93, via Bellevue, Idaho, to Ketchum, and thence over unnumbered highway to Sun Valley, Idaho, and return over the same route, serving the intermediate point of Ketchum, restricted to traffic moving to and from Sun Valley, Idaho, and authorizing the transportation of mail in the same vehicle to and from Shoshone, Bellevue, Hailey, Ketchum, and Sun Valley, Idaho.

NOTE: Applicant is authorized in Certificate MC 86627 Sub No. 1, in the first paragraph thereof, to transport passengers and their baggage, over the above stated regular route between Shoshone and Sun Valley Lodge and Challenger Inn, Idaho, serving the intermediate point of Ketchum, restricted to traffic moving to and from Sun Valley Lodge and Challenger Inn, and au-

thorizing the transportation of mail in the same vehicle with passengers to and from Shoshone, Bellevue, Hailey, Ketchum and Sun Valley Lodge, Idaho. Applicant files the instant application for a change in its existing operation, seeking additional authority to transport express in the same vehicle with passengers between Shoshone and Sun Valley, Idaho, and to correct the first paragraph in the described authority in its certificate, no change being sought in the balance of said certificate.

No. MC 116385 (Sub No. 2), filed April 6, 1959. Applicant: ANTHONY S. KASPER, doing business as NIAGARA FRONTIER SCENIC TOURS, 7900 Pine Avenue Boulevard, Niagara Falls, N.Y. Applicant's attorney: Clarence E. Rhoney, 94 Oakwood Avenue, North Tonawanda, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, in round-trip sight-seeing or pleasure tours, limited to the transportation of not more than eight (8) passengers in any one vehicle, but not including the driver thereof and not including children under ten years of age who do not occupy a seat or seats, in seasonal operations, between April 15 and October 1, both inclusive, of each year, beginning and ending at Niagara Falls, N.Y., and points in Niagara County, N.Y., within six (6) miles thereof, and extending to ports of entry on the International Boundary line between the United States and Canada at Niagara Falls and Lewiston, N.Y. In Certificate No. MC 116385, applicant is presently authorized to perform a similar transportation service limited to the transportation of not more than seven (7) passengers and the purpose of this application is to increase the carrying capacity to eight (8) passengers.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5, GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

MOTOR CARRIERS OF PROPERTY

No. MC 99649 (Sub No. 1), filed April 2, 1959. Applicant: BEKINS VAN & STORAGE CO., an Oklahoma Corporation, 706 West Main Street, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, and *empty containers or other such incidental facilities* (not specified), between points in Oklahoma. Applicant is authorized to conduct operations in Oklahoma.

NOTE: This matter is directly related to MC-F 7153.

APPLICATIONS UNDER SECTION 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carrier or property or passengers under section 5(a) and 210a(b) of the Interstate Commerce Act and certain other procedural matters with respect thereto. (49 CFR 1.240)

MOTOR CARRIERS OF PROPERTY

No. MC-F 7147. Authority sought for merger into PILOT FREIGHT CARRIERS, INC., Polo Road and Cherry Street Ext. (P.O. Box 615), Winston-Salem, N.C., of the operating rights and property of ARLINGTON TRANSPORTATION CO., 1422 Park Avenue, Providence, R.I., and for acquisition by R. Y. SHARPE, H. C. SHARPE, E. G. LACKEY, SARAH L. SHARPE, and EILEEN L. SHARPE, all of Winston-Salem, SHIRLEY S. DUNCAN, 78 Purvis Drive, Triangle, Va., and K. Y. SHARPE, Route No. 1, Pfafftown, N.C., of control of such rights and property through the merger. Applicants' attorney: Herbert Burstein, 160 Broadway, New York, N.Y. Operating rights sought to be merged: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over a regular route, between New Bedford, Mass., and New York, N.Y., serving all intermediate and certain off-route points; **RESTRICTION**: Service under the above-specified authority shall be limited to traffic moving between New York, N.Y., and points within 15 miles of New York, N.Y., on the one hand, and, on the other, points on the regular routes in Connecticut, Rhode Island, and Massachusetts, including New Bedford, Mass., and the off-route point of Norwich, Conn., and those within 15 miles of Providence, R.I.; *general commodities*, with certain exceptions including household goods and commodities in bulk, over irregular routes, between New York, N.Y., and points in New Jersey within 15 miles of New York, N.Y., on the one hand, and, on the other, Boston, Mass.; *household goods*, as defined by the Commission, between points in Providence and Kent Counties, R.I., on the one hand, and, on the other, points in Connecticut, Maine, Massachusetts, New Hampshire, New York, New Jersey, Pennsylvania, and Vermont; *machinery*, between points in Providence County, R.I., on the one hand, and, on the other, Glasgo, Groton, Hartford, New Haven, and Stonington, Conn., New York, N.Y., and certain points in Massachusetts and New Jersey; *electrical equipment* used or useful in the distribution and transmission of electric power, between Providence, R.I., on the one hand, and, on the other, Amesbury, Dudley, Lawrence, Malden, Palmer, and Pittsfield, Mass.; **RESTRICTION**: Service under the above-specified machinery and electrical equipment irregular-route authority shall be limited to traffic moving between points and areas authorized to be served under said irregular-route authority, on the one hand, and, on the other, points authorized to be served by PILOT FREIGHT CARRIERS, INC., beyond 15 miles of New York, N.Y., conditioned upon the movement of such traffic through proper gateway points. PILOT FREIGHT CARRIERS, INC., is authorized to operate as a *common carrier* in North Carolina, Maryland, Pennsylvania, Delaware, Virginia, New York, New Jersey, South Carolina, Tennessee, Ohio, West Virginia, Connecticut, Rhode Island, Massachusetts, Florida, Georgia, and the District of Columbia. Applica-

tion has not been filed for temporary authority under section 210a(b). In No. MC-F 6642, consummated on November 25, 1958, PILOT FREIGHT CARRIERS, INC., acquired control of ARLINGTON TRANSPORTATION CO. through stock ownership.

No. MC-F 7149 (correction) (ACCELERATED TRANSPORT-PONY EXPRESS, INC.—CONTROL—DOWNING & PERKINS, INC.), published in the April 8, 1959, issue of the FEDERAL REGISTER on page 2718. The address of Attorney D. W. Markham should have read "2001 Massachusetts Avenue N.W., Washington 6, D.C."

No. MC-F 7152. Authority sought for control and merger by GARRETT FREIGHTLINES, INC., 2055 Pole Line Road, Pocatello, Idaho, of the operating rights and property of INLAND MOTOR FREIGHT, South 110 Sheridan Street, Spokane 3, Wash., and PACIFIC HIGHWAY TRANSPORT, INC., 6th Avenue South and Holgate Street, Seattle 4, Wash., and for acquisition by C. A. GARRETT, also of Pocatello, of control of such rights and property through the transaction. Applicants' attorneys: Maurice H. Greene, P.O. Box 1554, Boise, Idaho, and William B. Adams, Pacific Building, Portland, Ore. Operating rights sought to be controlled and merged: (INLAND) *General commodities*, as a *common carrier* over regular routes, between Bonners Ferry, Idaho, and Eastport and Port Hill, Idaho, serving no intermediate points; *general commodities*, with certain exceptions including household goods and commodities in bulk, between specified points in Washington, between Spokane, Wash., and Grangeville, Idaho, between Spokane, Wash., and Mullan, Idaho, between Spokane, Wash., and Burke, Idaho, between Portland, Ore., and Lewiston, Idaho, between Portland, Ore., and Buena, Wash., between Colfax, Wash., and Potlatch, Idaho, between Rosalia, Wash., and Elk River, Idaho, between specified points in Idaho, between Umatilla and Cold Springs, Ore., and Westland, Ore., between Milton, Ore., and Pendleton, Ore., between Spokane, Wash., and Bonners Ferry and Spirit Lake, Idaho, between junction U.S. Highway 730 and Umatilla-Plymouth Bridge near Umatilla, Ore., and Kennewick, Wash., and between Walla Walla, Wash., and Milton, Ore., serving certain intermediate and off-route points; alternate route for operating convenience only between junction U.S. Highway 30 and The Dalles Bridge, near Seufert, Ore., and junction U.S. Highway 830 and unnumbered highway; *materials, supplies, and equipment*, including *dangerous explosives*, required in the operation and maintenance of Civilian Conservation Corps Camps, Forest Service Camps and logging and mining camps, over regular and irregular routes, between Spokane, Wash., and points in Boundary and Bonner Counties, Idaho, serving no intermediate points; *general commodities*, with certain exceptions including household goods and commodities in bulk, over irregular routes, between Spokane, Wash., on the one hand, and, on the other, certain points in Idaho, and be-

tween Brewster and Mansfield, Wash., on the one hand, and, on the other, the site of the Chief Joseph Dam and points within 15 miles thereof; *heavy machinery, road machinery, and structural steel*, between Spokane, Wash., on the one hand, and, on the other, certain points in Idaho; *fire-fighting equipment and supplies* used or useful in fire-fighting operations, between points in Washington, Idaho and Montana; *class A, B and C explosives*, between Fredrickson, Wash., and points within five miles thereof, on the one hand, and, on the other, certain points in Idaho; those rights claimed in an application seeking a "grandfather" certificate under section 7 of the Transportation Act of 1958, viz, *frozen fruits, frozen berries, frozen vegetables, bananas, frozen seafoods, frozen dinners, fish, codfish cakes, clam juice or broth, crab, oysters, eggs, poultry, fresh fruits and vegetables, frozen pies and frozen soups*, between points in Benton and Yakima Counties, Wash., on the one hand, and, on the other, Portland, Ore., and Pendleton, Ore., as part of a through movement with connecting carriers to beyond destinations or from beyond originations, between points in Umatilla County, Ore., on the one hand, and, on the other, Portland, Ore., and Pendleton, Ore., as part of a through movement with connecting carriers to beyond destinations or from beyond originations, and between points in Benton and Yakima Counties, Wash., on the one hand, and, on the other, points in Umatilla County, Ore.; (PACIFIC) *general commodities*, with certain exceptions including household goods and excluding commodities in bulk, as a *common carrier* over regular routes between Portland, Ore., and Bellingham, Wash., and between specified points in Washington, serving certain intermediate and off-route points; *malt beverages*, from Olympia, Wash., to Astoria, Ore., serving certain intermediate points; *canned milk*, between Arlington, Wash., and junction U.S. Highway 99 and Washington Highway 1E, serving no intermediate points; *general commodities*, with certain exceptions including household goods and commodities in bulk, over irregular routes, between certain points in Washington; *explosives or dangerous articles*, between Du Pont, Wash., on the one hand, and, on the other, all points in Oregon; *class A, B, and C explosives*, between Fredrickson, Wash., and points within five miles thereof, on the one hand, and, on the other, points in Oregon, from Giant, Wash. (approximately four miles north of Olympia, Wash.), and points within five miles of Giant, to points in Oregon, from Giant, Wash., and points within five miles of Giant, to Seattle and Tacoma, Wash., between Grand Mound, Wash., on the one hand, and, on the other, points in Oregon limited to traffic received from, or delivered to, connecting carriers at Grand Mound, between Oak Harbor, Wash., and points within five miles of Oak Harbor, on the one hand, and, on the other, Whitmarsh Siding, Wash. (near Anacortes, Wash.), Seattle, Wash., and points within seven miles of Seattle, and between Tacoma, Fort Lewis, and Seattle,

Wash., and points in Washington within 15 miles of each, on the one hand, and, on the other, Paine Field, Wash. GARRETT FREIGHTLINES, INC., is authorized to operate as a *common carrier* in Idaho, Montana, California, Utah, Nevada, Oregon, Colorado, New Mexico, Washington, Arizona, and Wyoming. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 7153. Authority sought for control by BEKINS VAN & STORAGE CO. (CALIFORNIA), 1335 South Figueroa Street, Los Angeles 15, Calif., of BEKINS VAN & STORAGE CO. (OKLAHOMA), 706 West Main Street, Oklahoma City, Okla., and for acquisition by MILO W. BEKINS, FLOYD R. BEKINS, H. B. HOLT and RUTH B. HOLT (as individuals and as tenants in common), IDA RAINEY BEKINS and MILO W. BEKINS (as executrix and executor of the estate of REED J. BEKINS, deceased), FLOYD R. BEKINS and MILO W. BEKINS (as trustees under a declaration of trust executed by FLOYD R. BEKINS as trustor), MILO W. BEKINS and DOROTHY ELOISE BEKINS (as trustees under a declaration of trust executed by MILO W. BEKINS as trustor), IDA RAINEY BEKINS and MILO W. BEKINS (as trustees under a declaration of trust executed by REED J. BEKINS, deceased, as trustor), M. B. HOLT, FLOYD R. BEKINS, JR., and KATHERINE BEKINS PALMER, all of Los Angeles, of control of BEKINS VAN & STORAGE CO. (OKLAHOMA) through the acquisition by BEKINS VAN & STORAGE CO. (CALIFORNIA). Applicant's attorneys: R. Granville Curry, 631 Southern Building, Washington, D.C., and Lucien W. Shaw, 1335 South Figueroa Street, Los Angeles, Calif. Operating rights sought to be controlled: Operations under the Second Proviso of section 206(a)(1) of the Interstate Commerce Act covering the transportation, as a *common carrier* over irregular routes, of *such commodities* as may be transported by a Class "B" transporter except petroleum products in bulk to and from all points in the state of Oklahoma; authority to engage in operations as a *broker* at Oklahoma City and Tulsa, Okla., in connection with the transportation of *household goods* as defined by the Commission between all points in the United States. BEKINS VAN & STORAGE CO. (CALIFORNIA) is authorized to operate as a *common carrier* in California and as a *broker* at specified points in California covering the transportation of *household goods* as defined by the Commission and *theatrical and motion picture equipment* between all points in the United States. Application has not been filed for temporary authority under section 210a(b).

NOTE: MC 99649 Sub 1 is a matter directly related.

No. MC-F 7154. Authority sought for control and merger by DOYLE FREIGHT LINES, INC., 172 Davenport Street, Saginaw, Mich., of the operating rights and property of BLAIR TRANSIT COMPANY, 124 Davenport Street, Saginaw, Mich., and for acquisition by DAVID C. DOYLE, WILLIAM C. BLAIR and JAMES V. FINKBEINER, all of Saginaw, of control of such rights and property

through the purchase. Applicants' attorneys: Carl H. Smith, Sr., 210-214 Phoenix Building, Bay City, Mich., and James V. Finkbeiner, Second National Bank Building, Saginaw, Mich. Operating rights sought to be controlled and merged: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes, between specified points in Michigan, and between Dexter, Mich., and Toledo, Ohio, serving certain intermediate and off-route points; alternate route for operating convenience only between Ann Arbor, Mich., and Flint, Mich.; *wire, reels, cable, and paper*, in truckload lots, between Toledo, Ohio, and Tiffin, Ohio, serving the intermediate point of Fostoria, Ohio, restricted to truckload lots only; *General commodities*, with certain exceptions including household goods and commodities in bulk, over irregular routes, between certain points in Michigan on the one hand, and, on the other, certain points in Ohio, from Detroit, Mich., and points within 10 miles thereof, to Sharon, Pa., and certain points in Ohio, from Gibraltar, Mich., to Sharon, Pa., and certain points in Ohio, from the site of the Ford Motor Company plant located at the intersection of Michigan Highway 218 (Wixom Road) and unnumbered highway (West Lake Drive) north of U.S. Highway 16, in Novi Township, Oakland County, Mich., to Sharon, Pa., and certain points in Ohio, between Detroit, Mich., and the Ford Willow Run Plant located approximately four miles east of Ypsilanti, Mich., and from the site of the Ford Motor Company plant located near the unincorporated village of Rawsonville, Mich., at the southwest intersection of Textile and McKean Road, in Washtenaw County, Mich., to Sharon, Pa., and certain points in Ohio; *building material, automobile parts, iron and steel articles* as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, *iron and steel, machinery, burlap, paper, iron and steel products*, from, to or between points and areas, varying with the commodity transported, in Michigan, Ohio, and Pennsylvania. DOYLE FREIGHT LINES, INC., is authorized to operate as a *common carrier* in Illinois, Michigan, Ohio, and Indiana. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 7155. Authority sought for purchase by B & P MOTOR EXPRESS, INC., 51st and A.V.R.R., Pittsburgh, Pa., of the operating rights and property of MERCURY MOTORWAYS, INC., 947 Louise Street, South Bend, Ind., and for acquisition by HOWARD MILLER and NELLIE E. MILLER, both of Pittsburgh, of control of such rights and property through the purchase. Applicants' attorneys: Samuel P. Delisi, 1211 Berger Building, Pittsburgh 19, Pa., and Richard C. Kaczmarek, 714 Odd Fellows Building, South Bend 1, Ind. Operating rights sought to be transferred: *General commodities*, with certain exceptions excluding household goods and including commodities in bulk, as a *common carrier* over regular routes between Chicago, Ill., and Cleveland, Ohio, between Chicago, Ill., and Elkhart, Ind., between

South Bend, Ind., and Detroit, Mich., between South Bend, Ind., and Cleveland, Ohio, between South Bend, Ind., and Fort Wayne, Ind., between Detroit, Mich., and Toledo, Ohio, between junction Wisconsin Highway 42 and Wisconsin Highway 100 and Milwaukee, Wis., between Chicago, Ill., and Milwaukee, Wis., and between junction U.S. Highway 41 and Illinois Highway 173 and Milwaukee, Wis., serving certain intermediate and off-route points; several alternate routes for operating convenience only; *general commodities*, with certain exceptions including household goods and commodities in bulk, between Detroit, Mich., and the site of the Chrysler Corporation Tank Arsenal, near Center Line, Mich., serving no intermediate and certain off-route points; several alternate routes for operating convenience only. Vendee is authorized to operate as a *common carrier* in Maryland, Pennsylvania, Ohio, Virginia, West Virginia, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F 7156. Authority sought for purchase by SHORTY HALL RIG CO., INC., East Highway 80, P.O. Box 2829, Odessa, Tex., of the operating rights and property of GUST BARTZ (MAUDIE EFFIE BARTZ, INDEPENDENT EXECUTRIX), 1327 East Second Street, Odessa, Tex., and for acquisition by O. L. HALL, TROY F. CHAFFIN and R. H. WALNER, all of Odessa, of control of such rights and property through the purchase. Applicants' attorney: George L. Fowler, Room 215, Courthouse, Odessa, Tex. Operating rights sought to be transferred: *Machinery, materials, supplies, and equipment*, incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, as a *common carrier*, over irregular routes, between points in Lea County, N. Mex., and certain points in Texas. Vendee is authorized to operate as a *common carrier* under the Second Proviso of section 206(a)(1) of the Interstate Commerce Act in the State of Texas. Application has not been filed for temporary authority under section 210a(b).

NOTE: Application will be filed and published in the FEDERAL REGISTER at a later date as a matter directly related.

No. MC-F-7158. Authority sought for purchase by SERVICE TRUCKING CO., INC., Preston Road (P.O. Box 276) Federalsburg, Md., of the operating rights of SCHUPPER MOTOR LINES, INC., 16 Bridge Arch, New York, N.Y., and for acquisition by GILBERT A. BANNING, also of Federalsburg, of control of such rights through the purchase. Applicants' attorneys: Francis W. McInerney, Macleay, Lynch & Macdonald, 504 Commonwealth Bldg., Washington 6, D.C., Alvin Borden, 276 Fifth Avenue, New York, N.Y., and William J. Biederman, 280 Broadway, New York, N.Y. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes, between Baltimore, Md., and Alexandria, Va., and be-

tween Baltimore, Md., and New York, N.Y., serving certain intermediate and off-route points; *candy*, over irregular routes, from Port Chester, N.Y., to Baltimore, Md., and Washington, D.C.; *canned goods, seed, and feed*, from Baltimore, Md., to points on Long Island, N.Y.; *canned goods, paperboard, petroleum, and oil and grease*, in containers, from Baltimore, Md., to Atlantic City, N.J.; *machinery*, between Baltimore, Md., and Atlantic City, N.J. All irregular-route authority covers truckload lots only. Vendee is authorized to operate as a *common carrier* in Maryland, New York, Delaware, Pennsylvania, New Jersey, Virginia, Connecticut, Rhode Island, Massachusetts, Florida, North Carolina, South Carolina, Georgia, Michigan, Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Minnesota, Missouri, Nebraska, Ohio, Tennessee, West Virginia, Wisconsin, Louisiana, Alabama, Mississippi, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

MOTOR CARRIERS OF PASSENGERS

No. MC-F 7151. Authority sought for control by AMERICAN TRANSIT CORP., 615 North Ninth Street, St. Louis 1, Mo., of TEXAS MOTOR COACHES, INC., Eighth and Calhoun, Fort Worth, Tex., and for acquisition by D. J. GIACOMA, P. J. GIACOMA, and A. J. de MAYO, all of St. Louis, of control of TEXAS MOTOR COACHES, INC., through the acquisition by AMERICAN TRANSIT CORP. Applicant's attorney: Thomas E. James, P.O. Box 858, Austin 65, Tex. Operating rights sought to be controlled: *Passengers and their baggage, and express, newspapers, and mail* in the same vehicle with passengers, as a *common carrier* over regular routes, between Fort Worth, Tex., and Dallas, Tex., and between Fort Worth, Tex., and Arlington, Tex., serving all intermediate points. AMERICAN TRANSIT CORP. holds no authority from this Commission; however, it is affiliated with CHICAGO & CALUMET DISTRICT TRANSIT COMPANY, INC., 4923 Columbia Avenue, Hammond, Ind., which is authorized to operate as a *common carrier* in Illinois and Indiana. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCoy,
Secretary.

[F.R. Doc. 59-3136; Filed, Apr. 14, 1959;
8:48 a.m.]

[No. 32946]

LACKAWANNA RAILROAD Increased Passenger Fares

In the matter of (1) assigning the time and place of hearing and (2) prescribing special rules of practice.

It appearing that by petition filed April 9, 1959, The Delaware, Lackawanna and Western Railroad Company seeks authority from this Commission to increase its interstate passenger fares between

points in Pennsylvania, New Jersey, New York, and New York, N.Y., as follows:

For distances up to 75 miles, increase its minimum coach fare by 8 cents, and its other coach fares by 10 cents.

Substitute a 30-day round-trip excursion coach fare, made 190 percent of its standard coach fare, good on any train, for its one-day round-trip excursion fare made 150 percent of its standard coach fare, good only on certain trains.

Eliminate its 10-trip restricted multiple fare.

Increase its commutation fares by \$3, in connection with its unrestricted monthly ticket, \$2.70, in connection with its restricted monthly ticket, and 75 cents, in connection with its weekly ticket.

It further appearing that in said petition petitioner asks that all outstanding orders affecting such fares be modified so as to permit the proposed increased fares to be established and maintained;

And it further appearing that this petition has been docketed under the above number and title:

It is ordered, That this proceeding shall be subject to special rules of practice as follows:

(1) Petitioner shall file its evidence in chief in the form of prepared statements and supporting exhibits on or before April 17, 1959, with three copies to this Commission, copy to the Board of Public Utility Commissioners of the State of New Jersey, and to each of the interveners and protestants in Docket Nos. 31663, 32140, 32421, 32421 (Sub No. 1), 32480, and 32532, and to any other interested party upon request in writing addressed to Rowland L. Davis, Jr., Esq., General Counsel, Delaware, Lackawanna & Western Railroad Co., 140 Cedar Street, New York 6, N.Y.

(2) Protests against the proposed increases in fares may be filed on or before May 8, 1959. Such protests should make reference to this proceeding by docket number and title, should state the grounds in support of the protests, and indicate in what respect the proposed increases are considered to be unlawful. The protests may be in letter form and an original only need be filed with this Commission, with copy to Mr. Davis, representing petitioner. Replies to protests may be made in accordance with paragraph 5 hereof. Unless orally objected to on the record at the hearing provided for in paragraph 6, these protests will be received in evidence.

(3) The Commission will take official notice of, and consider as part of the record in this proceeding, the annual, quarterly and monthly reports of the petitioner to this Commission for the period from 1948 to the date of this hearing.

Parties desiring to enter objection to the consideration of such documents, or any particular matter contained therein upon the ground of relevance or materiality, must orally enter such objection on the record at a timely stage of the hearing provided for in paragraph 6, hereof. The objection should specify the matter objected to and the reasons therefor.

(4) Evidence in behalf of groups or associations either in support of or against the proposed increased fares, including evidence dealing with the cost of service or other technical matters, must be submitted in the form of verified statements (affidavits), with or without exhibits attached, on or before May 8, 1959, with three (3) copies to this Commission, copy to the Board of Public Utility Commissioners, two copies to Mr. Davis, together with a copy to any other interested party requesting it.

(5) Verified statements (affidavits) in reply to the above, and verified statements in reply to protests submitted in accordance with paragraph 2 hereof, must be filed on or before May 15, 1959. Three (3) copies must be filed with this Commission. A copy should be furnished to the party whose verified statement or protest is being replied to, together with a copy to the Board of Public Utility Commissioners, and any other interested party requesting same.

(6) A hearing for the purpose of cross-examining witnesses who have filed verified statements or reply verified statements will be held at the offices of the Board of Public Utility Commissioners, 1100 Raymond Boulevard, Newark, N.J., beginning at 10:00 o'clock a.m., U.S. standard time, or 10:00 o'clock a.m., daylight saving time, if that time is observed, May 21, 1959, before Examiner B. Fuller. Opportunity will also be given at this session for the presentation of oral testimony in support of or in opposition to the proposed increased fares by persons having an interest therein.

And it is further ordered, That copy of this order shall be served upon petitioner, and the parties of record to Docket Nos. 31663, 32140, 32421, 32421 (Sub No. 1), 32480 and 32532, and filed with the Board of Public Utility Commissioners, Newark, N.J., and the Division of Federal Register, Washington, D.C.

Dated at Washington, D.C., this 9th day of April A.D. 1959.

By the Commission, Chairman Tuggle.

[SEAL] HAROLD D. McCoy,
Secretary.

[F.R. Doc. 59-3137; Filed Apr. 14, 1959;
8:48 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 10, 1959.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 35355: *Scrap or waste paper from, to, and between points in the south.* Filed by O. W. South, Jr., Agent (SFA No. A3789), for interested rail carriers. Rates on scrap or waste paper, and related paper articles, carloads between points in southern territory, between points in southern territory, on the one

hand, and points in Virginia, West Virginia, Washington, D.C., and Ohio and Mississippi River crossings, on the other.

Grounds for relief: Short-line distance formula, grouping, and maintenance of rates including arbitrations for short or relief lines.

Tariff: Supplement 20 to Southern Freight Tariff Bureau tariff I.C.C. S-34.

FSA No. 35356: *Asphalt—Blakely and Mobile, Ala., to Memphis, Tenn.* Filed by O. W. South, Jr., Agent (SFA No. A3788), for interested rail carriers. Rates on asphalt (asphaltum), natural, byproduct or petroleum, liquid, other than paint, stain or varnish, tank-car loads from Blakely and Mobile, Ala., to Memphis, Tenn.

Grounds for relief: Market competition at Memphis with Baton Rouge and New Orleans, La.

Tariff: Supplement 10 to New Orleans Freight Tariff Bureau tariff I.C.C. N-3.

FSA No. 35357: *Silica sand—Wisconsin points to the southwest.* Filed by Southwestern Freight Bureau, Agent (B-7527), for interested rail carriers. Rates on silica sand, in box cars, in covered hopper cars or in open-top cars, carloads from Berlin, Green Lake, Klevenville, and Larsen, Wis., to stations in Arkansas, Kansas, Louisiana (west of the Mississippi River), Missouri, Oklahoma, and Texas.

Grounds for relief: Market competition.

Tariff: Supplement 202 to Southwestern Freight Bureau tariff I.C.C. 4135.

FSA No. 35358: *Gravel—Dickason Pit, Ind., to Illinois points.* Filed by Illinois Freight Association, Agent (No. 53), for interested rail carriers. Rates on road surfacing gravel, carloads from Dickason Pit, Ind., to Westervelt and Findlay, Ill.

Grounds for relief: Motor truck competition from wayside pit to jobsites.

Tariff: Supplement 113 to Chicago & Eastern Illinois Railroad Company's tariff I.C.C. 144.

FSA No. 35359: *Scrap iron—Milwaukee, Wis., to Hamilton and Toronto, Ont.* Filed by O. E. Schultz, Agent (ER No. 2489), for interested rail carriers. Rates on scrap iron or steel (not copper clad) and related articles, carloads from Milwaukee, Wis., to Hamilton and Toronto, Ont., Canada.

Grounds for relief: Competition of water carriers via the Great Lakes.

Tariff: Supplement 36 to Grand Trunk Western Railroad Company's tariff I.C.C. A-100.

AGGREGATE-OF-INTERMEDIATES

FSA No. 35354: *Grain and grain products—Southeastern points to Gulf ports.* Filed by Southwestern Freight Bureau, Agent (No. B-7525), for interested rail carriers. Rates on grain and grain products, carloads, as described in the application from specified points in Arkansas, Louisiana (west of the Mississippi River), Missouri and Memphis, Tenn., to Baton Rouge and New Orleans, La., Gulfport, Miss., Mobile, Ala., and Pensacola, Fla., for export and coastwise movement.

Grounds for relief: Maintenance of through rates from origins beyond named origins not depressed by same

competitive conditions as from named origins.

Tariff: Supplement 1 to Chicago, Rock Island and Pacific Railroad Company tariff I.C.C. C-13601, and other schedules described in the application.

By the Commission.

[SEAL] HAROLD D. McCoy,
Secretary.

[F.R. Doc. 59-3130; Filed, Apr. 14, 1959;
8:47 a.m.]

[Notice 109]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 10, 1959.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below.

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 61950. By order of March 27, 1959, the Transfer Board approved substitution of H. C. Schmieding, H. E. Schmieding and L. H. Schmieding, a partnership, doing business as H. C. Schmieding Produce Co., of Springdale, Ark., as purchaser of the rights sought in Docket No. MC 118106, in lieu of Roland Groover, doing business as R. Groover Fruit Company of Springfield, Mo., for the right to transport bananas from New Orleans, La., Mobile, Ala., Galveston and Brownsville, Texas and Tampa, Fla., to Springfield, Kansas City, and St. Joseph, Mo., Minneapolis, Minn., Flint, Mich., Indianapolis, Ind., and Harlingen, Texas, under the "grandfather clause" of Section 7 of the Transportation Act of 1958. (72 Stat. 574.) Stanley P. Clay, 514 First National Building, Joplin, Mo., for applicants.

No. MC-FC 61990. By order of April 7, 1959, the Transfer Board approved the transfer to E. J. Hennessy, Sr., Dunellen, N.J., of that portion of the operating rights in Certificate No. MC 111128, issued August 7, 1957, to Robert E. Bach, Goshen, N.Y., authorizing the transportation, over irregular routes, of race horses and personnel and equipment used or useful in their maintenance, between points in Ohio and Pennsylvania, on the one hand, and, on the other, points in Connecticut, Indiana, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, and Rhode Island. Bert Collins, 140 Cedar Street, New York 6, N.Y., for applicants.

No. MC-FC 61992. By order of April 7, 1959, the Transfer Board approved the transfer to Brook Ledge, Inc., Hacken-

sack, N.J., of the remaining portion of the operating rights in Certificate No. MC 111128, issued August 7, 1957, to Robert E. Bach, Goshen, N.Y., authorizing the transportation, over irregular routes, of race horses and personnel and equipment used or useful in their maintenance, between points in Connecticut, Indiana, Massachusetts, New Jersey, New York, and Rhode Island. Bert Collins, 140 Cedar Street, New York 6, N.Y., for applicants.

No. MC-FC 62007. By order of April 7, 1959, the Transfer Board approved the transfer to Curtis Trucking, Inc., doing business as George's Back Bay Express, Boston, Mass., of Certificate No. MC 8536, issued April 27, 1937, to Harry Freedman, doing business as George's Back Bay Express, Boston, Mass., authorizing the transportation of furniture and household goods, between Boston, Mass., on the one hand, and, on the other, points in New Hampshire, Rhode Island, and Vermont. Louis Winer, 73 Tremont Street, Boston, Mass., for applicants.

No. MC-FC 62071. By order of April 3, 1959, the Transfer Board approved the transfer to Lionel J. Bolduc, Roger W. Bolduc, and Merepha Bolduc, a partnership, doing business as Pete Bolduc, 26 South Main Street, Auburn, Maine, of Certificates Nos. MC 63837, MC 63837 Sub 2 and MC 63837 Sub 3, issued October 18, 1949, October 3, 1950, and March 11, 1952, respectively, to Merepha Bolduc, Lionel J. Bolduc, Adelphis P. Bolduc and Roger W. Bolduc, a partnership, doing business as Pete Bolduc, Auburn, Maine, authorizing the transportation of household goods between Auburn and Lewiston, Maine, on the one hand, and, on the other, points and places in Maine, New Hampshire, and Massachusetts; mill machinery between Auburn and Lewiston, Maine, on the one hand, and, on the other, points and places in that part of Massachusetts on and east of Massachusetts Highway 12; and household goods between Auburn and Lewiston, Maine, on the one hand, and, on the other, ports of entry on the boundary line between the United States and Canada at or near Canaan, Norton, Derby Line, and Troy, Vt., and household goods between Boston, Mass., and points in Massachusetts, within 25 miles of Boston, on the one hand, and on the other, points in Massachusetts, New Hampshire, Maine, Vermont, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, and the District of Columbia.

No. MC-FC 62085. By order of April 7, 1959, the Transfer Board approved the transfer to John H. Liechti of Arcadia, Iowa, of Certificate in No. MC 65434, issued October 18, 1949, to D. E. Benton, Jr., of West Side, Iowa, authorizing the transportation of livestock from West Side, Iowa, to Omaha, Nebr., with service authorized from intermediate and off-route points within 20 miles of West Side, restricted to pick-up only general commodities, excluding household goods, commodities in bulk and other specified commodities from Omaha, Nebr., to West Side, Iowa, service being authorized to intermediate and off-route points within

20 miles of West Side, restricted to delivery only; telephone poles, wire and equipment, from St. Paul, Minn., to West Side, Iowa, service being authorized to the off-route point of Vail, Iowa, restricted to delivery only; and agricultural implements and parts, from Rock Island, Ill., to West Side, Iowa. Page & Nash, Attorneys for transferor, First National Bank Building, Denison, Iowa and Arthur N. Neu, Attorney for transferee, 525½ North Adams Street, Carroll, Iowa.

[SEAL] HAROLD D. McCoy,
Secretary.

[F.R. Doc. 59-3134; Filed, Apr. 14, 1959;
8:48 a.m.]

[Section 5a Application 68]

COLORADO TRANSFER AND WAREHOUSEMEN'S ASSOCIATION

Application for Approval of Agreement

APRIL 10, 1959.

The Commission is in receipt of the above-entitled and numbered application for approval of an agreement under the provisions of section 5a of the Interstate Commerce Act.

Filed: April 6, 1959 by: John P. Norman, Attorney-in-Fact, c/o Colorado Transfer and Warehousemen's Association, 1790 Logan Street, Denver 3, Colorado.

Agreement involved: Agreement between and among common carriers by motor vehicle, members of Colorado Transfer and Warehousemen's Association, relating to joint consideration in establishing or changing rates, classification, rules, regulations, and practices governing the transportation of property between points in Colorado.

The complete application may be inspected at the office of the Commission in Washington, D.C.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 20 days from the date of this notice. As provided by the general rules of practice of the Commission, persons other than applicants should fairly disclose their interests, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, Division 2.

[SEAL] HAROLD D. McCoy,
Secretary

[F.R. Doc. 59-3135, Filed, Apr. 14, 1959
8:48 a.m.]

[No 32942]

JERSEY CENTRAL RAILROAD

Increased Commutation Fares

In the matter of (1) assigning the time and place of hearing and (2) prescribing special rules of practice.

It appearing, that, on April 3, 1959, the Central Railroad of New Jersey filed a petition requesting this Commission to authorize it to increase its commutation fares between points in Pennsylvania and New Jersey, on the one hand, and New York City, on the other, by 40 percent, and to modify all outstanding orders with respect to such fares so as to permit such increased fares to be established and maintained:

And it further appearing, that this proceeding has been docketed under the above number and title:

It is ordered, That this proceeding shall be subject to special rules of practice as follows:

(1) Petitioner shall file its evidence in chief in the form of prepared statements and supporting exhibits on or before April 15, 1959, with three copies to this Commission and to the Board of Public Utility Commissioners of the State of New Jersey, one copy to each of the interveners and protestants in Dockets Nos. 31663, 32140, and 32347, and one copy to any other interested party on request in writing addressed to Mr. Earle J. Harrington, Attorney, Central Railroad Company of New Jersey, 143 Liberty Street, New York 6, N.Y.

(2) Protests against the proposed increase in commutation fares may be filed on or before May 6, 1959. Such protests should make reference to this proceeding by docket number and title, should state the grounds in support of the protests, and indicate in what respect the proposed increases are considered to be unlawful. The protests may be in letter form and an original only need be filed with this Commission, with copy to Mr. Harrington, representing the petitioner. Replies to protests may be made in accordance with paragraph 5 hereof. Unless orally objected to on the record at the hearing provided in paragraph 6, these protests will be received in evidence.

(3) The Commission will take official notice of, and consider as part of the record in this proceeding, the annual, quarterly and monthly reports of the petitioner to this Commission for the period from 1946 to the date of the hearing.

Parties desiring to enter objection to the consideration of such documents, or any particular matter contained therein upon the ground of relevance or materiality, must orally enter such objection on the record at a timely stage at the hearing provided for in paragraph 6 hereof. The objection should specify the matter objected to and the reasons therefor.

(4) Evidence in behalf of groups or associations either in support of or against the proposed fares, including evidence dealing with the cost of service or other technical matters, must be submitted in the form of verified statements (affidavits), with or without exhibits attached, on or before May 6, 1959, with three (3) copies to this Commission, one copy to the New Jersey Board, two copies to Mr. Harrington, together with a copy

to any other interested party requesting it.

(5) Verified statements (affidavits) in reply to the above, and verified statements in reply to protests submitted in accordance with paragraph 2 hereof, must be filed on or before May 13, 1959, with three (3) copies to this Commission, copy to the New Jersey Board, copy to the party whose verified statement or protest is being replied to, and copy to any other interested party requesting same.

(6) A hearing for the purpose of cross-examining witnesses who have filed verified statements or reply verified statements will be held at the offices of the Board of Public Utility Commissioners, 1100 Raymond Boulevard, Newark, N.J., beginning at 10:00 o'clock a.m., U.S. standard time (or 10:00 o'clock a.m., local daylight saving time, if that time is observed), on May 20, 1959, before Examiner B. Fuller. Opportunity will also be given at this session for the presentation of oral testimony in support of or in opposition to the proposed increased fares, by persons having an interest therein.

And it is further ordered, That a copy of this order shall be served upon petitioner, the parties of record to Dockets Nos. 31663, 32140, and 32347, and a copy filed with the Board of Public Utility Commissioners, 1100 Raymond Boulevard, Newark, N.J., and with the Director, Division of the Federal Register, Washington, D.C.

Dated at Washington, D.C., this 8th day of April, A.D., 1959.

By the Commission, Chairman Tuggle.

[SEAL] HAROLD D. McCoy,
Secretary.

[F.R. Doc. 59-3079, Filed, Apr. 13, 1959;
8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 220]

TEXAS

Declaration of Disaster Area

Whereas, it has been reported that during the month of March, 1959 because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of Texas;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected.

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act.

Now, Therefore, as Administrator of the Small Business Administration, I hereby determine that

(1) Applications for disaster loans under the provisions of section 7(b) of

the Small Business Act may be received and considered by the office below indicated from persons or firms whose property situated in the following Counties (including any areas adjacent to said Counties) suffered damage or other destruction as a result of the catastrophe hereinafter referred to:

Counties: Hill and Cook Counties (Tornado occurring on or about March 31, 1959).

Office: Small Business Administration Regional Office, Fidelity Building, 1000 Main Street, Dallas 2, Tex.

2. No special field offices will be established at this time.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to October 30, 1959.

Dated: April 3, 1959.

WENDELL B. BARNES,
Administrator.

[F.R. Doc. 59-3108; Filed, Apr. 14, 1959;
8:45 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property PIERINA (FUSCALDO) CURRERI

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D.C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Pierina (Fuscaldo) Curreri, Via Battistotti Sassi 30, Milan, Italy; Property described in Vesting Order No. 94 (7 F.R. 6693, August 25, 1942) relating to United States Patent Application Serial Nos. 305,419 (now Patent No. 2,297,399); 330,125 (now Patent No. 2,305,-

290); 315,784 (now Patent No. 2,310,773); 305,420 (now Patent No. 2,332,908); 324,354 (now Patent No. 2,332,909); 376,678 (now Patent No. 2,356,577); 376,679 (now Patent No. 2,410,728); subject, however, to a royalty free non-exclusive license agreement dated April 24, 1944 (License No. 715) by and between the Alien Property Custodian, predecessor to the Attorney General, and American Bosch Corporation relating to United States Letters Patent Nos. 2,297,399; 2,305,290; 2,310,773; 2,332,908; 2,332,909; and to a royalty free, non-exclusive license agreement dated October 31, 1944 (License No. 1108) by and between the Alien Property Custodian, predecessor to the Attorney General, and American Bosch Corporation relating to United States Letters Patent No. 2,356,577.

Vesting Order No. 94; Claim No. 45508.

Executed at Washington, D.C. on April 6, 1959.

For the Attorney General.

[SEAL]

PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 59-3129; Filed, Apr. 14, 1959;
8:47 a.m.]

CUMULATIVE CODIFICATION GUIDE—APRIL

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